

any purpose other than that outlined in Selective Service Act; to the Committee on Military Affairs.

5332. Also, petition of Federal Post, No. 315, American Legion, of San Francisco, endorsing opposition of Samuel Gompers Union Labor Post, No. 578, of Oakland, Calif., against legislation covering national service; to the Committee on Military Affairs.

5333. By the SPEAKER: Petition of the United Steel Workers of America, Local 1299, River Rouge, Mich., petitioning consideration of their resolution with reference to Green-Lucas soldier vote bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

5334. Also, petition of the secretary, Society of Colonial Wars in the State of Georgia, Savannah, Ga., petitioning consideration of their resolution with reference to Independence Hall as a national shrine; to the Committee on the Public Lands.

5335. Also, petition of the president, Light in Shadows, Old Age Pension Associations, Inc., Gadsden, Ala., petitioning consideration of their resolution with reference to old-age pensions; to the Committee on Ways and Means.

SENATE

FRIDAY, MARCH 24, 1944

(Legislative day of Monday, February 7, 1944)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all grace, through the lowly gateway of penitence we would enter the inner chamber of peace where the harsh noises of the clamorous world are hushed and in quietness of spirit we face ourselves and Thee.

Across these holy days grant us to follow the wounded footprints of that One who came not to be ministered unto, but to minister and to give His life a ransom for many; who turned the world's mocking robe of derision into the crimson garments of sacrifice and the white vestments of love. In His comradeship may we know the joy that has walked with sorrow, the heavenly music which trembles on the chords of earthly pain, and the triumph which mounts to its throne on trials. In these days of heartache and yet of measureless challenge, e'en though it be a cross that lifts us to our place of power, may we fail not our best consciences, our fellows who trust us, or Thee our God. Save us at last from the remorse of a solitude where regret sits with nought but ashes in her hand and from shame with the mark of Cain on her brow and memory with bitter tears in her eyes. We ask it in the name of that Holy One who for the joy set before Him endured the cross and despised the shame. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 22, 1944, was dispensed with, and the Journal was approved.

XC—192

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROVISION PERTAINING TO AN APPROPRIATION FOR THE PETROLEUM ADMINISTRATION FOR WAR (S. Doc. No. 176)

A communication from the President of the United States, transmitting, pursuant to law, draft of a proposed provision pertaining to an existing appropriation for the Petroleum Administration for War (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROVISION RELATING TO AN APPROPRIATION FOR FEDERAL SECURITY AGENCY (S. Doc. No. 177)

A communication from the President of the United States, transmitting, pursuant to law, a proposed provision pertaining to an appropriation for the Federal Security Agency contained in the Federal Security Appropriation Act, 1944 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By Mr. BARKLEY:

A joint resolution of the General Assembly of the Commonwealth of Kentucky; to the Committee on Banking and Currency;

"Joint resolution memorializing Congress to pass a law enabling the ceiling prices on fluor spar to be increased

"Whereas fluor spar is a vital and necessary ore, highly essential in the war effort, and whereas the present ceiling prices on fluor spar are entirely too low to encourage the proper production of this necessary material: Now, therefore, be it

"Resolved by the General Assembly of the Commonwealth of Kentucky:

"1. That the General Assembly of the Commonwealth of Kentucky memorializes the Congress of the United States that it, at the earliest possible date, take such action as may be necessary to increase by 10 percent the ceiling price of fluor spar, and to take such additional action as may be necessary to authorize and require the approval of such increase, in order to insure a sufficient supply of fluor spar to meet the war requirements.

"2. Copies of this resolution shall be sent to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky."

(The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Banking and Currency.)

By Mr. TYDINGS:

A resolution, adopted by Snyder-Farmer Post No. 3, American Legion, of Hyattsville, Md., favoring the enactment of legislation to permit the retirement of veterans at their option, who have 25 years (military service to count double) in the Government service, regardless of age, at full retirement annuity as of 30 years service; to the Committee on Civil Service.

A resolution adopted by the Mothers of Men in Service of America, Baltimore, Md.,

favoring the commemoration of April 9 (marking the surrender of the lost battalion of America's armed forces at Bataan), and the sending greater assistance and supplies to General MacArthur in the southwest Pacific area; to the Committee on the Judiciary.

REPORTS OF CLAIMS COMMITTEE

The following reports of a committee were submitted:

By Mr. ELLENDER, from the Committee on Claims:

H. R. 1216. A bill for the relief of Walter Ervin and Cora Ervin; without amendment (Rept. No. 766);

H. R. 1421. A bill for the relief of Paul B. Lingle; without amendment (Rept. No. 767); and

H. R. 2273. A bill for the relief of E. C. Fudge; without amendment (Rept. No. 768).

By Mr. WHERRY, from the Committee on Claims:

S. 1416. A bill for the relief of Mrs. Judith H. Sedler; with amendments (Rept. No. 771);

H. R. 3538. A bill for the relief of the Reverend James T. Denigan; with an amendment (Rept. No. 769); and

H. R. 3661. A bill for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes; with an amendment (Rept. No. 770).

ENROLLED BILLS PRESENTED

Mr. McCLELLAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that that committee had presented to the President of the United States the following enrolled bills:

On March 22, 1944:

S. 1349. An act to authorize the Secretary of the Navy to convey to the city of New York certain lands within the Brooklyn Navy Yard in the city of New York;

S. 1428. An act to amend the provision of the act authorizing payment of 6 months' death gratuity to widow, child, or dependent relative of officers, enlisted men, or nurses of the Navy or Marine Corps, and for other purposes;

S. 1635. An act to eliminate a pay discrimination against the teacher of music at the United States Military Academy; and

S. 1653. An act to provide titles for heads of staff departments of the United States Marine Corps, and for other purposes.

On March 23, 1944:

S. 1410. A bill to amend section 4 of the act approved June 13, 1940.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLMAN:

S. 1806. A bill for the relief of Norbert J. Sero; to the Committee on Claims.

By Mr. BALL:

S. 1807. A bill authorizing and directing the Secretary of the Interior to convey certain land to the city of Duluth, Minn.; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON of Colorado:

S. 1808. A bill to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Colorado (for Mr. REYNOLDS):

S. 1809. A bill to remove the limitation on the right to command of officers of the Dental Corps of the Army which limits such officers to command in that corps; to the Committee on Military Affairs.

By Mr. HILL (for himself and Mr. BURTON):

S. 1810. A bill to provide for the appointment of female pilots and aviation cadets in the Air Forces of the Army; to the Committee on Military Affairs.

By Mr. CLARK of Missouri:

S. 1811. A bill for the relief of Margaret Redmond; to the Committee on Claims.

(Mr. CLARK of Missouri also introduced Senate bill 1812, which was referred to the Committee on Commerce, and appears under a separate heading.)

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce a bill providing for amendment of the Social Security Act, and I ask to have it appropriately referred.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

Mr. WAGNER. Mr. President, I had originally introduced the bill as a part of the veterans' legislation. The bill deals with the Federal old-age and survivors' provision relative to persons in the military service. It is introduced on behalf of the Senator from Georgia [Mr. GEORGE], the Senator from Missouri [Mr. CLARK], and myself.

By Mr. WAGNER (for himself, Mr. GEORGE, and Mr. CLARK of Missouri):

S. 1813. A bill to amend title II of the Social Security Act, as amended, by giving insurance credits under the Federal old-age and survivors' insurance provisions of that act for military service by providing for adjustment of benefits received under such title in certain cases, and for other purposes; to the Committee on Finance.

RIVER AND HARBOR WORKS, FLOOD CONTROL, ETC.

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill authorizing construction of certain public works on rivers and harbors, and so forth.

Mr. President, I do not wish to interfere with the presentation by the Senator from Tennessee of the amendments in the bill under consideration, but I give notice that as soon as I can obtain the floor without necessarily interfering with the business of the Senate I shall desire to make some remarks in explanation of the bill which I have asked to introduce.

There being no objection, the bill (S. 1812) authorizing the construction of certain public works on rivers and harbors; authorizing investigations and measures for flood and sediment reduction on watersheds, through run-off and water-flow retardation and soil-erosion prevention; providing for supervision by the Chief of Engineers of dams across navigable waters; and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and har-

bors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

AMENDMENT OF SERVICEMEN'S DEPENDENTS ALLOWANCE ACT—CHANGE OF REFERENCE

Mr. JOHNSON of Colorado. Mr. President, Senate bill 1738, to further amend the Servicemen's Dependents Allowance Act of 1942, as amended, so as to provide for the relief of certain widows, children, and other dependents of servicemen who die as a result of injury or disease incurred in or aggravated by military or naval service, and for other purposes, which has to do with the Servicemen's Dependents Allowance Act, was inadvertently, as I believe, referred to the Finance Committee. It should have been referred to the Military Affairs Committee, the committee which has handled all the allowance legislation. I therefore ask that the Finance Committee be discharged from the further consideration of Senate bill 1738, and that it be re-referred to the Committee on Military Affairs.

Mr. WHITE. Mr. President, may I ask what the bill is?

Mr. JOHNSON of Colorado. The bill was introduced by the Senator from Nevada [Mr. McCARRAN] further to amend the Servicemen's Dependents Allowance Act of 1942, as amended.

Mr. WHITE. Did not the original act come from the committee to which the Senator is now proposing to send this bill?

Mr. JOHNSON of Colorado. Yes, the Military Affairs Committee handled the original allowance act, and handled the amendments to the allowance act, and I propose now that the committee handle this further amendment to the allowance act.

Mr. WHITE. Where has the bill recently been pending? Before the Senate Finance Committee?

Mr. JOHNSON of Colorado. It was inadvertently referred to the Finance Committee the other day after it was introduced by the Senator from Nevada.

Mr. WHITE. Can the Senator say whether the Finance Committee chairman is agreeable to the change in reference proposed to be made.

Mr. JOHNSON of Colorado. The bill belongs to the Senate Military Affairs Committee, and I am trying to have it sent to the committee where it should be considered.

Mr. WHITE. If it has been before the Finance Committee I assume the Finance Committee has assumed some jurisdiction over it. I wonder if the change of reference is agreeable to the Finance Committee?

Mr. JOHNSON of Colorado. I spoke to the chairman of the Finance Committee, the Senator from Georgia [Mr. GEORGE], and he told me the change was agreeable.

Mr. GEORGE. The jurisdiction of the bill is in the Military Affairs Committee, and it is agreeable that this particular bill be referred to that committee.

Mr. WHITE. Mr. President, I have no possible objection.

The VICE PRESIDENT. Without objection, the Finance Committee will be discharged from further consideration of the measure, and the bill will be referred to the Committee on Military Affairs.

INVESTIGATION OF THE NEW YORK COTTON EXCHANGE

Mr. EASTLAND submitted the following resolution (S. Res. 275), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the operation of the New York Cotton Exchange with a view to ascertaining whether its rules and regulations permit speculative activities or other abuses which tend to hamper trade or depress the price of cotton. The committee shall report to the Senate at the earliest practicable date the results of the study and investigation together with such recommendations as it may deem desirable with respect to the prevention of such abuses as may be found to exist.

For the purpose of this study and investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

MANUFACTURE AND DISTRIBUTION OF FARM MACHINERY

Mr. CLARK of Missouri (for himself and Mr. GILLETTE) submitted the following resolution (S. Res. 276), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the present production, means and facilities of production, and plans for future facilities of production for the manufacture of all types of machinery used in the farming industry, including horse- and motor-drawn implements, together with the manufacture of repairs and spare parts for such implements and machinery, and to make inquiry as to resources of supply of materials for such manufacture, and to specifically make investigation of the past, present, and future plans for distribution of farm machinery and the component parts thereof and secure facts as to what portion of the supply of farm machinery has been diverted to uses in areas outside of the United States and its Territories and what policies and plans have been adopted for future foreign distribution of this type of machinery and its parts, and such other inquiries as shall be germane to and pertinent to the development of the facts in the farm-machinery production and distribution industry.

The committee is directed to secure this information for the purpose of use in the preparation and consideration of legislative action to aid the agricultural industry in the Nation.

The committee shall report to the Senate as soon as practicable the results of its studies and investigations, together with its recommendation for such legislative action as is indicated.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistance, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to make such investigations, to administer such oaths, to take such testimony, and to incur such expenditures as it deems advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government. The expenses of the committee, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COPIES OF HEARINGS BEFORE SUBCOMMITTEE OF EDUCATION AND LABOR COMMITTEE ON EDUCATIONAL AND PHYSICAL FITNESS OF CIVILIANS

Mr. THOMAS of Utah submitted the following resolution (S. Res. 277), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Senate Committee on Education and Labor be, and is hereby, authorized and empowered to have printed for its use 1,000 copies of part I, and each subsequent part, of the hearings held before a subcommittee of said committee during the current Congress, pursuant to Senate Resolution 74 (78th Cong., 1st sess.), authorizing an investigation of the educational and physical fitness of the civilian population as related to national defense.

MARYLAND TRADITION OF TOLERANCE

Mr. TYDINGS. Mr. President, in the State of Maryland we have been exceedingly proud during our entire history from the time the colony was originally founded in 1634 of the high degree of religious toleration which has ever characterized the activities of our State and our people. Indeed, Maryland was the first place in all history, I believe, where a government was set up guaranteeing to mankind the right to worship God according to the dictates of his own conscience. We have lived together for a good many years in that State, and, while sometimes there has been some intolerance manifested, yet, on the whole, we have adhered pretty closely to our traditions and heritage, and it is one of the things that is in the philosophy of every Marylander and one of the things in our history of which, as I have said, we are extremely proud.

I have learned that at the recent session of the Maryland Legislature a resolution was passed, I believe unanimously, the title of which is as follows:

A resolution expressing the hope that Gerald L. K. Smith, national director of the so-

called America First Party, will imbibe some of the spirit of tolerance practiced in Maryland during his visit to Baltimore.

We hope that he will imbibe some of that tolerance because we do not look with favor upon activities which divide Catholics and Protestants, Jews and Gentiles, whites and blacks. We may have our disagreements, groups may be formed advocating or opposing various measures, but we have always attempted to reconcile whatever disagreements we might have without resort to a base appeal either to religious or racial prejudices.

The resolution concludes with the following words:

Be it resolved by the House of Delegates of Maryland, That we hereby express the hope that when Gerald L. K. Smith, national director of the so-called America First Party, visits the State of Maryland that he will be so impressed with the tolerance practiced here that he will recant his profession of faith in fascism and cease to be opposed to democracy, as practiced in the United States.

I have been requested to present this resolution and ask that it be printed in the Record of the United States Senate. I therefore send it to the desk and hope that the tolerance of Maryland will not be lost sight of in whatever campaign may lie ahead.

The VICE PRESIDENT. The resolution will be printed in the Record, under the rule.

The resolution is as follows: *

Resolution expressing the hope that Gerald L. K. Smith, national director of the so-called America First Party, will imbibe some of the spirit of tolerance as practiced in Maryland during his visit to Baltimore

Whereas newspaper articles contain reports that Gerald L. K. Smith, national director of the so-called America First Party will establish a branch of this party, with nine key officers, in Maryland and will call a meeting in Baltimore on or about April 15; and

Whereas the said Gerald L. K. Smith represents by his own admission the Fascist, reactionary, antiwar, and anti-United Nations elements in this country; and

Whereas the said Gerald L. K. Smith and his cohorts preach anti-Semitism and all kinds of undemocratic doctrines; and

Whereas the spirit of tolerance, as taught and practiced in Maryland, is well known throughout the entire country; and

Whereas the people of Maryland are almost unanimous in their opposition to the teachings and practices of the so-called America First Party and have wholeheartedly supported all demands made on them in connection with war drives for the Red Cross, buying War bonds, and production of supplies of war materials; and

Whereas from the time of the Calverts, Maryland has stood for religious liberty and the tolerance of views of all shades of opinion; and

Whereas it may be possible that after the said Gerald L. K. Smith and his associates spend sufficient time in Maryland, they may feel impelled to recant their present views and undemocratic conduct: Therefore be it

Resolved by the House of Delegates of Maryland, That we hereby express the hope that when Gerald L. K. Smith, national director of the so-called America First Party, visits the State of Maryland that he will be so impressed with the tolerance practiced here that he will recant his professions of faith in

fascism and cease to be opposed to democracy, as practiced in the United States.

THE SECRET OF SENATOR McNARY'S CONTROL—EDITORIAL FROM THE SATURDAY EVENING POST

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the Record as a part of my remarks an editorial which appeared in this week's issue of the Saturday Evening Post and which is entitled, "Not Out of the Statesman's Manual."

This editorial describes the secret of the even, statesmanlike conduct of the revered and recently departed minority leader of the Senate, Charles L. McNary.

I cannot help but feel, Mr. President, that perhaps the agenda and the accomplishments of the Congress would be much more creditable if all its membership resorted to the technique used by "Charlie Mac" whenever he was tempted to rise to his feet to participate in some acrimonious yet unproductive argument.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

NOT OUT OF THE STATESMAN'S MANUAL

The late Senator Charles L. McNary used to explain how he became known for suavity, sweet reasonableness, and reluctance to take part in Senate brawls on the floor. Senator McNary was actually a man of positive views and a sharp temper. Sometimes it took all the self-control he had to refrain from rising to his feet and pulverizing an opponent. "When I thought I couldn't stand it any longer," Charlie McNary said once, "I used to pinch my leg. I would keep on pinching until the impulse was over. After a good many debates in the past few years, I would get home and find I'd pinched myself black and blue."

There must be some Members of Congress who, as they look over their remarks in an accumulation of CONGRESSIONAL RECORDS, would give a good deal to have learned Charlie McNary's secret. Certainly, the great American audience would appreciate it if some of our gabbiest solons would try pinching their thighs instead of wearing out their larynxes. This method might make some of them as effective in politics as was the affable, unwillingly silent Charlie McNary.

P. S.: Maybe some self-pinching would do no harm in the Executive branch, too.

IF I WERE PRESIDENT—ADDRESS BY SENATOR JOHNSON OF COLORADO

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the Record an address entitled "If I Were President," delivered by him at North Park College, Chicago, Ill., March 21, 1944, which appears in the Appendix.]

ADDRESS BY SENATOR DANAHER AT REPUBLICAN FOUNDERS' DAY ANNIVERSARY CELEBRATION, OMAHA, NEBR.

[Mr. BUTLER asked and obtained leave to have printed in the Record the address delivered by Senator DANAHER at the Republican Founders' Day anniversary celebration, Omaha, Nebr., March 7, 1944, which appears in the Appendix.]

THE PRESIDENT'S SUPERHIGHWAY PROGRAM—ARTICLE BY A. Q. MILLER, SR.

[Mr. CAPPER asked and obtained leave to have printed in the Record an editorial entitled "The President's Superhighway Program," by A. Q. Miller, Sr., from the Belleville (Kans.) Telescope of March 9, 1944, which appears in the Appendix.]

VOTES FOR SOLDIERS—EDITORIAL FROM THE KANSAS CITY TIMES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Politics or the Law," from the Kansas City Times of March 17, 1944, which appears in the Appendix.]

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION—ARTICLE FROM WALL STREET JOURNAL

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an article dealing with judicial review of administrative action, published in the Wall Street Journal of March 17, 1944, which appears in the Appendix.]

VIEWS OF THE PUBLIC ON THE SOLDIER-VOTE SITUATION

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an editorial from the Indianapolis News of March 20, 1944, entitled "That Federal Ballot"; an editorial from the Indianapolis Star of March 21, 1944, entitled "Let the States Act"; and an editorial from the South Bend Tribune of March 7, 1944, entitled "Soldier Vote," which appear in the Appendix.]

SCIENCE AND A LASTING PEACE—ARTICLE BY WALDEMAR KAEMPFERT

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD an article entitled "Science and a Lasting Peace," by Waldemar Kaempfert, appearing as an advertisement in the New York Herald Tribune of March 23, 1944, which appears in the Appendix.]

COLORADO RIVER WATER—PROPOSED TREATY WITH MEXICO

Mr. DOWNEY. Mr. President, there is now pending before the Foreign Relations Committee of the United States Senate a proposed treaty with Mexico which attempts to allocate the waters of the Colorado River between that country and our own.

That treaty is now pending before this body only because Congress in 1928 authorized the building of Boulder Dam to conserve the waters of the Colorado River.

A careful examination of the treaty and of the conditions leading to its proposal having convinced me that it is wholly unfair to citizens and communities of western America, it is with some hope that the terms of the compact may be further considered by our Chief Executive and the State Department that I am making this statement. I hope, therefore, what I am about to say will receive the attention not only of the Members of this body, but likewise of the President and the Secretary of State.

In spite of the facts—

That Boulder Dam was built entirely on American ground, by American initiative, engineering genius, and money;

That the Boulder Canyon Project Act authorized the building of Boulder Dam for storage of water for use "exclusively within the United States";

That, as authorized by the Project Act, the United States has solemnly contracted with American communities and States to deliver them quantities of Boulder water and power, which are indispensable to their development;

That American citizens have, in reliance on the Project Act and those contracts, committed themselves to pay

hundreds of millions of dollars for construction of works with which to use their Boulder water and power;

That the American communities, not the United States, are, under their contracts, standing the entire cost of Boulder Dam;

That the United States does not ask and will not gain anything from Mexico in respect of the Colorado River.

It is now proposed—

To "guarantee" to Mexico, for all time, 1,500,000 acre-feet per annum of Colorado River water—twice what Mexico ever had used prior to the construction of Boulder Dam—twice what Mexico could ever have gotten from the river without Boulder Dam;

To store, regulate, and deliver this water, as ordered by Mexico, free of charge to Mexico;

To extend to Mexico the benefits of Boulder Dam, in flat contravention of the Project Act;

To create in Mexico a first right on the Colorado River, to which all American rights must yield in event of conflict;

To deny water to American communities, in cycles of dry years, such as have occurred and will recur, in order to supply Mexican lands;

To impair the ability of the United States to perform its outstanding contracts with its own citizens;

To deprive American citizens of vested rights without compensation and without due process;

To deprive American communities of the benefits of works built and owned by them, for the advantage of Mexico;

To authorize construction of works in Mexico which would endanger and damage lands within the United States.

Mr. President, the following statement outlines, in brief, the physical and legal facts. It is submitted in the belief that, if these facts are known, the Senate of the United States will preserve the good faith of the United States, and will protect the vested contract rights of American citizens, by declining to ratify the proposed treaty.

I. PHYSICAL FACTS

First. The Colorado River is a major continental stream draining one-thirteenth of the land area of the United States.

Second. Its basin in the United States comprises 242,000 square miles; in Mexico, 2,000 square miles.

Third. Its basin is divided into an upper basin—Wyoming, Colorado, New Mexico, and Utah—and a lower basin—Arizona, Nevada, and California.

Fourth. All of its water comes from the United States; none from Mexico.

Fifth. Its water supply, available in the future to satisfy all uses in the United States and Mexico below Boulder Dam during extended dry cycles, is estimated by the Bureau of Reclamation at not over 8,500,000 acre-feet per annum.

Sixth. Its unregulated flow was extremely irregular from year to year and was characterized by an early summer flood season of 2 to 3 months, followed by 9 to 10 months of low flow.

Seventh. There are, in the United States, many natural sites where storage reservoirs have been or can be con-

structed to capture and conserve floodwaters of the river. Mexico has none.

Eighth. There are needs and opportunities for use, within the United States, of all of the water of the Colorado River. Accordingly, any gift of water to Mexico, as a matter of comity, will pro tanto curtail the development of communities in the United States.

II. HISTORICAL USE AND DEVELOPMENT

First. In the United States, prior to construction of Boulder Dam, development of irrigation and domestic projects, using water from the main stream and many tributaries, proceeded independently in each of the seven States and chiefly under local public or private agencies. Such uses, before Boulder Dam was built, reached such a great extent that they, together with Mexican uses, consumed the entire low-season flow, and indeed were, in dry years, subject to severe shortages.

Second. Mexican uses, prior to Boulder, reached a maximum of 750,000 acre-feet per annum; averaged 600,000 acre-feet over a 10-year period; and in 1932 amounted to only 228,000 acre-feet. All such uses were made possible by irrigation works and protective levees provided by American initiative and capital. The water was even diverted in the United States, through structures built and owned by Americans.

III. COLORADO RIVER COMPACT

In order to protect existing development in the United States and permit expansion by conservation of floodwaters, Boulder Dam was proposed. The Upper Basin States objected, fearing that, by early development, the lower basin would appropriate so much water that the upper basin would be foreclosed from development. A solution was found in the formulation of the Colorado River compact, an agreement among the States, in 1922, which apportioned certain water to each basin.

IV. BOULDER CANYON PROJECT ACT

In 1928 Congress adopted the act for construction of Boulder Dam and the All-American Canal. The act approved the Colorado River compact. However, section 1 provides that the waters conserved by Boulder Dam shall be for "beneficial use exclusively within the United States." The extension of the benefits of Boulder storage to Mexico would flatly violate the principle of the act, namely, that the only permissible grant of water to Mexico must be measured by Mexico's use from natural flow.

Section 1 of the act also authorized construction of a power plant at Boulder Dam. Section 5 of the project act authorized the Secretary of the Interior to contract for the delivery of stored water and prohibited use of stored water without such contract. Section 4 (b) prohibited construction of the dam until the Secretary should have procured executed water and power contracts which would assure repayment to the United States of the cost of the dam and the power plant.

V. BOULDER DAM CONTRACTS

First. California contracts. The Secretary of the Interior executed, with pub-

lic and private agencies in southern California, contracts for water and power which the Attorney General of the United States held sufficient to guarantee repayment of the cost of the dam and power plant. Without these contracts, the dam could not have been built—act, section 4 (b).

Mr. CONNALLY. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Texas?

Mr. DOWNEY. I yield.

Mr. CONNALLY. I am somewhat surprised that the Senator should be discussing this matter at this time. He appealed to the Committee on Foreign Relations to postpone the hearings on account of his own situation, and that of his colleague, the senior Senator from California [Mr. JOHNSON], who is absent, and who is a member of the Committee on Foreign Relations. The committee has been disposed to accommodate the two Senators from California. Now we are presented with the issue being aggressively presented and pushed by the junior Senator from California, when I thought the matter was to be held in abeyance. I do not quite appreciate his position.

Mr. DOWNEY. Of course, Mr. President, I am unhappy if in any way I have done anything which the senior Senator from Texas considers improper. I may say to the distinguished Senator that it is my desire to place in the RECORD by this statement the facts and the position of California as we see them to be, and to ask the distinguished Senator, the State Department, and the President of the United States, for a further review of the pending compact. I believe that this statement will be helpful, I might say to the distinguished Senator, in working out a fair solution of the matter.

Mr. CONNALLY. Will the Senator yield again?

Mr. DOWNEY. I yield.

Mr. CONNALLY. The Senator from Texas wishes to be considerate of other Senators, but in the posture this matter has now assumed I do not feel disposed to withhold it any further, and I am ready to proceed with hearings immediately. Those of us who are proposing the treaty cannot lie down and let the California view be urged and pushed in the absence of any hearings on the other side of the question.

Mr. DOWNEY. Mr. President, I might say that of course I am unhappy to hear the distinguished Senator say that. The senior Senator from California, who was one of the joint sponsors of the Boulder Project Act, is not present. He is at Miami, and cannot be here until later, in April. As the distinguished Senator knows, the senatorial primary date in California is set for May 16. All my arrangements are made to campaign in California for the next 6 weeks. However, if the distinguished Senator from Texas thinks it is necessary to begin hearings immediately because, for a perfectly proper purpose, I am making this statement of the facts on the floor of the Senate, I shall have to submit to his decision. He undoubtedly has the power to force the hearings whenever he desires

to do so, and of course, if that is his intention, there is nothing I can do except cheerfully to abide by that decision.

The California contracts were made by the California agencies in good faith, and in reliance upon the good faith of the United States in observing the requirement of section 1 of the Project Act that the stored water be used exclusively in the United States. These agencies, and others, in reliance upon their contracts, have expended and obligated themselves to expend, for construction of works and facilities for the use of Boulder Dam water and power, more than half a billion dollars. The California contract obligates the United States to deliver for domestic and irrigation uses, 5,362,000 acre-feet per annum.

Second. Arizona and Nevada contracts: The Secretary of the Interior has also executed contracts with the State of Nevada for 300,000 acre-feet per annum and with the State of Arizona for 2,800,000 acre-feet per annum.

VI. THE ALL-AMERICAN CANAL

First. Besides authorizing Boulder Dam, section 1 of the Boulder Canyon Project Act authorized construction of a diversion dam across the Colorado River, now known as Imperial Dam, and a main canal "located entirely within the United States," to carry water to an area of 1,000,000 acres in the Imperial and Coachella Valleys in California. This All-America Canal was, by the terms of the act, dedicated to the beneficial use of the waters conserved by Boulder Dam "exclusively within the United States."

Second. Section 4 (b) of the act required that before construction of the canal should commence, the Secretary of the Interior must procure executed contracts which would insure repayment of the entire cost of the canal.

Third. Section 7 of the act grants to the agencies which contract to pay for the canal the power privileges on the canal. There are a number of important power drops on the canal. One of the largest, known as Pilot Knob, is located on the bank of the Colorado and so situated that water may be discharged from the power plant directly back into the river.

Fourth. The Secretary of the Interior has executed, with Imperial irrigation district, Coachella Valley County water district and the city of San Diego, contracts wherein the United States agreed to construct Imperial Dam and the All-American Canal. The three public agencies agreed to pay to the Government the entire construction cost. The contracts provide that on completion of the works Imperial irrigation district shall assume operation and maintenance of them. They also provide that all of the power possibilities on the canal shall belong to the three agencies and that the net proceeds from power development shall be theirs, to be paid on contractual debt to the United States until it is retired and thereafter to belong to the agencies. The Imperial irrigation district contract provides, specially, that there shall be built for that agency, and it shall pay for, additional canal capacity

for 3,000 second-feet of water from the dam to Pilot Knob, for power generation by the district at the Pilot Knob plant. The three agencies agreed to pay for 2,000 second-feet of capacity in the canal from the dam to Syphon Drop, to carry water, free of cost, for the Yuma project of the Bureau of Reclamation in Arizona. The three agencies also agreed to pay a sum of \$1,600,000 to the United States on account of the cost of Laguna Dam, originally built in 1908 for the Yuma project, but now considered a necessary appurtenance of Imperial Dam.

VII. THE MEXICAN TREATY

By the proposed treaty the United States is obligated with reference to the Colorado River:

First. To allot to Mexico a guaranteed annual minimum of 1,500,000 acre-feet of the surface flow of the river, to be increased, when water is available unused in the United States, to 1,700,000.

Second. To deliver until 1980, 500,000— and thereafter 375,000—acre-feet of the guaranteed 1,500,000 through the All-American Canal, and the remaining 1,000,000—or 1,250,000, after 1980—in the bed of the river, at the boundary. This water is all to be delivered according to certain schedules, but practically as and when ordered by Mexico.

Third. To give Mexico a share of the net revenues of the Pilot Knob power plant on the All-American Canal.

Fourth. To construct, operate, and maintain, at its own cost, the Davis Dam, which will be used in part to regulate the comparatively equal monthly discharges from the Boulder power plant so as to meet the unequal monthly needs of Mexico.

Fifth. To permit Mexico to build a permanent diversion dam at any point below the California-Mexico boundary—upper boundary. This Mexico is forbidden by present treaties to do.

Sixth. To construct or acquire, and operate and maintain, all works needed to deliver water to Mexico.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. McCARRAN. Am I correct in saying that the proposed treaty would require the Republic of Mexico to construct the diversion works for the canal, and that in turn the United States Government agrees, within 5 years, which is the same period of time agreed to by the Mexican Government, to construct the Davis Dam? Is that not true?

Mr. DOWNEY. Mr. President, I think that statement is true, but not wholly explanatory. In the treaty, I might say to the distinguished Senator from Nevada, the United States agrees that there shall be turned over to the Government of Mexico a proportionate part of the revenue from the hydroelectric plant to be developed at Pilot Knob, and I think undoubtedly the plan is so worked out that Mexico will receive sufficient revenue from the Pilot Knob power-plant site, which now belongs to the California agencies, totally to defray all the expenses provided for Mexico for any work in the United States.

Mr. DAVIS. Will the Senator give the location of the Pilot Knob site?

Mr. DOWNEY. The Pilot Knob site is perhaps 20 miles north of the Mexican border in the United States, and within a very short distance of the Colorado River itself.

Mr. President, I might say a word in relation to that. The California agencies, when they sold their bonds, and when they worked out their plans, expected they would have the net revenues which would accrue from that hydro-electric development.

Under the treaty as proposed, the United States would take over that particular site. With respect to the power plant that would then be constructed by the International Boundary Commission and operated by that Commission, after amortization of the building of the plant the revenues would be divided between Mexico and the United States in the same proportion as the expense of building the works commonly to be used in the United States. So a method has been worked out by which Mexico will be relieved of all financial responsibility, and a very valuable asset that the Imperial irrigation district had counted on having is taken away from its members.

In this connection I might say that if we assume that the United States can by treaty properly agree with Mexico to take over certain property within the United States through the International Boundary Commission, and operate it for the joint benefit of both countries, I believe, following out that principle, we could have the International Boundary Commission take over the works at Boulder Dam in connection with all the works operated by the two countries, and allow Mexico her proportionate part of the revenues that would come from Boulder Dam.

I might say it is a matter which is involved and complicated, and I know it will receive the very serious attention of the members of the Foreign Relations Committee when it is before them.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. BONE. Does the Mexican Government contemplate using the waters of the Colorado River in some reclamation project?

Mr. DOWNEY. The Colorado River, after it passed out of the United States, flows for about 75 miles through Mexico, when it empties into the Gulf of California. For a long time Mexico has been irrigating a large body of land in Lower California, using an average of 600,000 acre-feet of water. She has used that water for a great number of years, and there is no disposition on the part of anyone to prevent Mexico from freely and equitably using the water she has been using. This treaty would grant to her two and a half times as much water as she ever was using before Boulder Dam, or that she could use without Boulder Dam. Of that additional water 900,000 acre-feet will have to be taken from contracts already made by the Secretary of the Interior with American communities.

Mr. BONE. Has there been previously some commitment by treaty with Mexico regarding the waters of the Colorado?

Mr. DOWNEY. No; there never has been any treaty either with respect to the waters of the Rio Grande or the waters of the Colorado. I might say this treaty embraces a settlement of controversies between both countries with respect to both the Rio Grande and the Colorado. It is supposed to be a final settlement.

Mr. BONE. Is there any limit that can be clearly defined indicating the amount of land that would be brought under reclamation to Mexico? Is the area of land capable of being brought under reclamation limited?

Mr. DOWNEY. No. There are several million acres of land in Lower California that can be irrigated only with the waters of Boulder Dam, just as in the United States there are vast areas which are always destined to remain arid because the water is not there.

Mr. BONE. That is down on the peninsula.

Mr. DOWNEY. Well, north of the peninsula, some in Sonora and some in Baja California.

Mr. BONE. I am thinking of the country around Ensenada.

Mr. DOWNEY. There is no expectation of taking any of this water there.

Mr. BONE. That is toward the northern end of Baja.

Mr. DOWNEY. That is on the seacoast. The Colorado empties into the Gulf of California, perhaps 75 or 100 miles from the Pacific Ocean.

Mr. BONE. What does the treaty propose to do in the way of allocating water?

Mr. DOWNEY. The treaty will guarantee to Mexico and give her a first right on the entire river of 1,500,000 acre-feet, which is two and a half times the average amount that she was using, two and one-half the amount she could have used without Boulder Dam being built.

I might say to the distinguished Senator from Washington, the reason for that is that the Colorado has a great flow for 2 or 3 months, and for 9 or 10 months has a very low flow. The reason Boulder Dam was built was to prevent floods, develop power, and for irrigation. Boulder Dam will make it possible to give 900,000 acre-feet more to Mexico than she could have used without Boulder Dam. But when this body passed the Boulder Dam Project Act the word "exclusively" was added to the language which came over from the House. The language as it came from the House provided that the waters from Boulder Dam should be used within the United States, and here on the Senate floor the word "exclusively" was added, so as to provide that it should be used exclusively within the United States. This treaty attempts to give to Mexico an average of 900,000 acre-feet more water than she was using or ever could use, and to that extent will deprive California and Arizona and perhaps some of the Upper Basin States of water that they had confidently relied upon and will vitally need.

Mr. McCARRAN. Mr. President, will the Senator yield again?

Mr. DOWNEY. Yes; I yield.

Mr. McCARRAN. Please understand that the Senator from Nevada is taking no issue on this matter at this time. My purpose in rising is merely to clarify the situation as much as I can as the Senator from California proceeds. This is a controversial matter, and has been for a great many years, as to how much water Mexico was entitled to from the Colorado River. The doctrine of relation, as it is known in arid and semiarid regions, has been claimed by the Republic of Mexico. We recognize that doctrine, and it may be a part of the thought which is fundamental to the treaty now before the Committee on Foreign Relations.

The question of how much water the Republic of Mexico is entitled to has never been really determined. This treaty would be the first step toward determining how much water should be guaranteed to Mexico. The question of the right to use the waters of the Colorado River was raised during the days when the construction of Boulder Dam was under consideration. Whatever may be the outcome of this treaty, regardless of whether it be correct in its terminology, the matter is one which this Government and the Government of Mexico some day must settle. The effect on California interests, as well as on interests in New Mexico, Arizona, and Nevada, is exceedingly vital. There are many things connected with the California interests with which, of course, the Senator is familiar. In other words, in California there are many private concerns which have land in Mexico; and they, too, may be vitally concerned in this matter; and they may be behind or before, to use a homely expression, any movement to allow water in excess of the amount of water to which Mexico may be entitled to go over the line.

Mr. DOWNEY. Mr. President, I appreciate that statement on the part of the distinguished senior Senator from Nevada. He has a far greater familiarity with the entire question that I have, because his experience goes back much further than does mine. It happens that when I was practicing law in California I had a practice revolving largely around irrigation and reclamation law. From what I knew as a lawyer in those days, I may say to the distinguished Senator, I think it is clearly the law of the Western States, under our system of irrigation law, that when a public agency builds a dam or a reservoir, it must protect all users of water below that dam in respect to the amount of water they have been beneficially applying. But above and beyond that, the public agency has the right to adverse any user of the water which is to be stored in the dam, and has the right to take whatever time the public agency may desire to appropriate it to beneficial use. I think that is the law.

Mr. McCARRAN. That is the law; I think the Senator has correctly stated it, with the exception that in carrying out the principles to which the Senator has

referred, what is known as the doctrine of relation enters the picture. In other words, it has been quite definitely established, as the Senator will recall, that in the case of land which is under irrigation or is capable or susceptible of being irrigated by the natural flow of a stream, and in connection with which the landowner has taken steps with reasonable diligence from time to time to apply water to progressive acreages of the land, the courts have applied what is known as the doctrine of relation. In other words, they give to the owner of the land the beneficial use of the water in futurity.

So, under the doctrine of relation, if I have a piece of dry land to which I have not yet applied water, I may have that water right protected in respect to anyone who seeks to impound the upper flow of the stream. He must take into consideration the use of that water for the protection of my land to which I have not yet applied the water, but for which use I may have taken preparatory steps.

Mr. DOWNEY. Yes, Mr. President; I am sure the distinguished senior Senator from Nevada is correct in that respect. In most of the irrigation codes in the West there is a provision entitling a person intending in the future to appropriate water to file application in the State engineer's office or in the office of some other governmental agency, and he may thus be protected.

However, I desire to point out to the distinguished senior Senator from Nevada that I believe it will be undenied that the maximum amount of water Mexico ever used before Boulder Dam was constructed, and the maximum amount she could have used without the construction of Boulder Dam, was 750,000 acre-feet.

Mr. McCARRAN. So far as I have been able to ascertain I believe the Senator is practically correct in making that statement.

Mr. DOWNEY. I appreciate that contribution from the distinguished Senator.

I think that under the law, as we would apply it to citizens of the United States, the most our Government would have to provide for in order to protect our own citizens, if they stood in the place of Mexico, would be to the extent of the average use which had been made, which in this case was 600,000 acre-feet. The people of California desire to be just, liberal, and fair with the people of Mexico; and they make no objection to having our Government set apart for Mexico 750,000 acre-feet, which was the maximum use in 1 year which Mexico had been able to apply.

When this matter was previously before the Senate, the distinguished former Senator Pittman, of Nevada, served notice upon the world and upon Mexico that Boulder Dam was being constructed on American land, by American capital, and to make use of American water, and that while Mexico would be fully protected in respect to all the water she was beneficially applying, which was all the water she could apply, she should not be entitled to any beneficial use from this dam.

Mr. President, I dislike longer to intrude upon the time of the distinguished senior Senator from Tennessee [Mr. McKELLAR]. I have on my desk some prepared matter which I have largely covered in my extemporaneous remarks. If I may obtain unanimous consent that this matter, as I have it written in order to maintain a logical sequence, may be printed in the RECORD, I shall merely read the last few paragraphs, and then shall conclude.

Mr. LA FOLLETTE. Mr. President, I am very sorry, but I cannot give my consent for the Senator to have portions of his remarks, which he does not read, printed in the RECORD in the same type as the type in which the remarks he actually has delivered will be printed. If he desires to have the unread portions of his remarks printed in small type, so as to show they were not read in the Senate, I shall have no objection.

Mr. DOWNEY. I regret that I shall have to continue then.

Mr. McKELLAR. Mr. President, I hope the Senator will consent. We met today at 11 o'clock in order to consider the pending appropriation bill.

Mr. DOWNEY. Mr. President, I shall endeavor to conclude my remarks as rapidly as possible. Again I wish to say to the distinguished Senator that I am preparing to place in the RECORD certain data which I wish to submit to the interested authorities in Washington, because we believe international relations will be better served and time will be saved if our viewpoint can be placed before the interested governmental officials before the hearing is held. I cheerfully accede to the suggestion of my good friend, the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] and I will read the matter just as rapidly as I am able to do so. If I am not interrupted, it will not take me long to read it. I may say that, unfortunately, I have already covered a good deal of the material in connection with the interrogatories which have been propounded. If the distinguished senior Senator from Tennessee [Mr. McKELLAR] could secure unanimous consent for me to have this matter embodied in the RECORD as a part of my remarks, I should read only the concluding paragraphs, and then should subside.

Mr. McKELLAR. Mr. President, I ask unanimous consent again. I hope what the Senator requests can be done.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. CLARK of Missouri. Mr. President, I am forced to object to the unanimous-consent request to have printed in the RECORD a speech which was not delivered. That has been done only once before since I have been in the Senate, and that was at the request of the distinguished junior Senator from California [Mr. DOWNEY] on another occasion.

Mr. McKELLAR. Mr. President, I wonder if the Senator would allow it to be printed in small type, as suggested by the Senator from Wisconsin. It could be read just as well. Most persons have better eyes than I have. I hope that can be done. We met early today to consider

the pending appropriation bill, and I hope very much that it can be done. Will not the Senator be willing to print it as an addendum to his speech?

Mr. DOWNEY. I might say to the distinguished Senator that if it is to be done that way, I shall want the whole speech to appear in the same place.

Mr. McKELLAR. There is no reason why that cannot be done, is there?

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LA FOLLETTE. Let me state my only purpose in objecting. It is in conformity with a notice which I gave at the last session when the practice began to develop of inserting manuscripts in the RECORD and having them appear in RECORD type, as though they had been delivered on the floor of the Senate. That privilege has never been accorded to Members of the Senate, and I think it is a bad practice, because it leaves the impression that the remarks were delivered in the hearing of those present. Senators may remember that there was considerable controversy when the price control bill was before us and certain matters were inserted in the RECORD. As I recall, it was then, after that happened, that I gave this notice. It is not directed against my friend from California in any way, but I want the RECORD to show, by the type which is utilized, whether the remarks were actually delivered on the floor or whether they were printed by unanimous consent. I understood the Senator's original request to be that, regardless of whether he read portions of his speech or not, it should appear in the RECORD as though it had been delivered on the floor of the Senate.

Mr. McKELLAR. I appeal to the Senator from California to insert it in the RECORD, as an addendum to his speech, in the type suggested.

Mr. DOWNEY. Mr. President, let me say that I am keenly sympathetic with the position of the Senator from Tennessee. I have always endeavored to avoid the presentation of extraneous matter when important legislation is pending. I would favor a Senate rule against such a practice. Let me say to the distinguished Senator that I have intruded at this time only because I must leave the city tomorrow morning, and I wished to complete the record. I will read the concluding paragraphs and then ask to have the entire speech placed in the Appendix of the RECORD. I know the very heavy burden which Senators carry, and I have no desire to add to them.

Mr. McKELLAR. That will be satisfactory.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. McCARRAN. I wish to interrupt the Senator once more, and I shall not do it again.

The Senator knows of the conferences which have been held by representatives of the Southwestern States—Arizona, New Mexico, Nevada, California, Colorado, Utah, and other States. He knows that this subject has been under consideration at those conferences. The

State which I have the honor in part to represent has taken a neutral position and has not joined with either side of the controversy. Nevertheless, we are very much interested. I am very sorry that the Senator is yielding to the suggestion which has been made, because in my judgment his speech should go into the RECORD as his speech, in the regular type, so that all of us may be fully advised as to the position which the State of California, speaking through its very worthy and able representative, the Senator from California, takes in this matter. The treaty which is under consideration is one of the most vital things to the West at this time.

Mr. MILLIKIN, Mr. OVERTON, and Mr. CONNALLY addressed the Chair.

The VICE PRESIDENT. Does the Senator from California yield; and if so, to whom?

Mr. DOWNEY. First, Mr. President, let me thank the distinguished Senator from Nevada for his remarks. I have already acceded to the suggestion of the Senator from Tennessee.

I yield first to the Senator from Colorado.

Mr. MILLIKIN. Mr. President, I have just entered the Chamber. I presume the Senator is discussing the proposed treaty between the United States and Mexico concerning the allocation of water from the Colorado River. My State has a very vital interest in that matter. I should like to ask the distinguished Senator at this time whether, in connection with his remarks in the main part of the RECORD, or that part which is to go in the Appendix of the RECORD, his full remarks will be available?

Mr. DOWNEY. They will be available in their entirety in the Appendix of the RECORD.

Mr. CONNALLY. Mr. President—

Mr. DOWNEY. I yield next to the Senator from Louisiana.

Mr. CONNALLY. When the Senator concludes, I shall ask to be recognized.

Mr. DOWNEY. The Senator from Louisiana was first on his feet.

Mr. OVERTON. I am glad to defer to the Senator from Texas.

Mr. CONNALLY. Let me say to the Senator that when he puts his speech in the Appendix, it must appear that what he did not say was not read on the floor of the Senate, if he wishes to insert it in the RECORD in the form of a memorandum. I shall object if he puts the entire speech in the Appendix of the RECORD as though he had delivered it on the floor of the Senate when, as a matter of fact, he did not.

Mr. DOWNEY. Let me say to the distinguished Senator that I shall cheerfully abide by the rules of the Senate, whatever they are.

I now yield to the Senator from Louisiana.

Mr. OVERTON. Mr. President, I rise to make the suggestion that the Senator from California now surrender the floor, and that when we conclude consideration of the bill later in the afternoon, he can resume his remarks with the request that what he says be inserted in the RECORD immediately following what he has already said. Then the entire speech will be in the RECORD.

Mr. DOWNEY. I appreciate that advice; and if we conclude consideration of the bill early enough, I may consider it.

I should like to read three or four concluding paragraphs, and then I shall yield the floor.

Mr. President, on this floor I have often contended that our foreign policy should be guided by honor and justice and that, to the fullest reasonable extent, we should give aid to the nations of the New World, but I deny that the National Government should sacrifice domestic rights upon the altar of foreign good will. How can we condone liberality to another country that would violate Federal contracts already made with American citizens, that would injure or entirely destroy American investments believed to be firmly founded on the pledge of the National Government? World honor, peace, commerce, and progress will, it seems to me, never be conserved by a reckless international utopianism that does internal injustice to gain external good will. In the long pull will not internationalism itself be fatally stricken if our Government attempts to build its structure upon broken domestic pledges and the disappointment, ruin, and resentment of its own citizens?

In this chaotic period I regret the necessity of opposing any treaty, and if the views I am expressing were prompted by a selfish regard for my own State, or by political opportunism then I would deserve censure.

I, therefore, hasten to assert that in resisting the pending proposal I am not suggesting the sacrifice of any Mexican right. California people desire only what is fairly theirs, nothing more, but certainly nothing less. We do not want injustice done Mexico, but we do not intend that injustice shall be done ourselves—if we can help it.

Nevertheless, I deem it unfortunate that disputes, destructive of international good will, may develop before this treaty is settled, and it is with some slight hope that controversy may be avoided that I have made this statement—first to express California's opposition to the treaty and then to appeal to our President and the State Department that the present compact shall be withdrawn and a fairer agreement substituted in its place.

Let me say to the distinguished Senator from Tennessee that I very much regret having intruded for so long.

Mr. McKELLAR. I thank the Senator.

Mr. DOWNEY. Mr. President, in accordance with the suggestions which have been made, I now ask that the speech on this subject as prepared by me, without the interruptions, be printed in the Appendix of the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

[Mr. Downey's speech, as prepared by him, without the interruptions, appears in the Appendix.]

INCREASE IN ACREAGE ALLOTMENT FOR BURLEY TOBACCO

Mr. SMITH. Mr. President, from the Committee on Agriculture and Forestry I report favorably, with an amendment,

House Joint Resolution 234, and ask unanimous consent for its present consideration without displacing the unfinished business. It is an emergency measure, and I do not think it calls for any debate. The joint resolution has to do with burley tobacco. There has been some confusion as to the number of years involved, and also as to the amount of acreage. It has been unanimously agreed to by the Committee on Agriculture and Forestry. It is emergent because the planting time has arrived.

Mr. McKELLAR. Mr. President, with the understanding that it will not displace the appropriation bill which is under consideration, and that it will take only a short time, I have no objection.

Mr. SMITH. The joint resolution has been amended by the committee. The Senator from Kentucky [Mr. BARKLEY] can explain better than I the object of the joint resolution.

The VICE PRESIDENT. The clerk will state the joint resolution by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 234) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes.

Mr. MALONEY and Mr. WHITE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Carolina yield, and if so, to whom?

Mr. SMITH. I yield first to the Senator from Connecticut.

Mr. MALONEY. Mr. President, has unanimous consent been given to proceed to consider the resolution?

The VICE PRESIDENT. No; not as yet. The Chair understands that the Senator from Maine [Mr. WHITE] wishes to speak on the matter.

Mr. WHITE. Mr. President, I want to be sure that I understand the nature of the resolution. Did I correctly understand the Senator from South Carolina to say that the resolution had been unanimously reported by the Committee on Agriculture and Forestry?

Mr. SMITH. It was.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. AIKEN. I was one of those who voted to report the resolution, but I reserved the right to object to its passage if it should appear that the cigar-leaf growers of the northeastern section of the United States objected to it. I do not know whether they object to it or not. I ask the Senator from Connecticut if he knows whether there is any objection on their part.

Mr. MALONEY. Mr. President, I am not familiar with the situation, and I wish to be informed. I am very reluctant to oppose the request of the Senator from South Carolina, but I feel compelled to do so. I wish to make inquiry of the tobacco growers in my section.

Mr. BARKLEY. Allow me to say to the Senator from Vermont, the Senator from Connecticut, and all other Senators, that the joint resolution applies only to burley tobacco, and would make it possible to increase the minimum acreage from a half acre to one acre in the quota

which may be grown. It would have no effect whatever on cigar makers.

The preamble to the resolution sets forth the fact that there is a shortage only in burley tobacco.

Mr. MALONEY. Mr. President, in view of the explanation, I withdraw my objection.

Mr. SMITH. No tobacco growers except growers of burley tobacco would be affected by the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the resolution (H. J. Res. 234) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of further regulating interstate and foreign commerce in tobacco, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, after line 11, to insert the following:

Resolved, That Public Law 118, Seventy-eighth Congress, approved July 7, 1943, is amended by striking out the words "marketing year 1944-45" and inserting in lieu thereof "marketing years 1944-45, 1945-46, and 1946-47."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendment to be offered, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed; and the joint resolution to be read a third time.

The joint resolution (H. J. Res. 234) was read the third time, and passed.

The preamble was agreed to.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 4070) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes.

Mr. McKELLAR. Mr. President, by the direction of the Committee on Appropriations I withdraw certain of the committee amendments to the provisions of House bill 4070 relating to the Tennessee Valley Authority, and propose modifications in some of the remaining committee amendments to such provisions, as were reported from the committee.

I withdraw the following amendments:

First. Beginning on page 51, line 17, all of the amendments on the remainder of that page and on page 52 down to and including line 4.

Second. On page 52, line 6, the amendment which would insert the words "more than seven hundred."

Third. On page 52, the amendment beginning in line 7 and ending in line 11.

Fourth. On page 52, the amendment in lines 14 and 15.

Fifth. On page 53, the amendment which would strike out the proviso beginning in line 5 and ending in line 12.

Sixth. On page 53, the amendment which would insert in lines 12 and 13 the

words "the general fund of the Treasury of the United States."

Seventh. The amendment which would insert the proviso beginning in line 13 on page 53 and ending with line 24 on page 55.

Also, at the direction of the committee, I recommend that the following action be taken with respect to the other amendments reported by the committee:

First. On page 52, line 5, in lieu of striking out the words proposed to be stricken by the committee amendment, strike out the word "purchase."

Second. On page 52, line 6, that the committee amendment inserting the word "repair" be agreed to.

Third. On page 52, that the committee amendment, beginning in line 16 and ending in line 20, be agreed to with an amendment as follows: In line 16, in lieu of the figure proposed to be inserted by the committee amendment as reported insert "\$79,134,882."

Fourth. On page 52, line 22, that the committee amendment be agreed to.

Fifth. On page 52, lines 23 to 25, inclusive, that the committee amendments be agreed to.

Sixth. On page 52, line 26, in lieu of the words "as and when collected", insert the word "quarterly"; and after the word "into" insert "the general fund of the Treasury of the United States."

Seventh. That the committee amendment striking out the language beginning with the word "and", in line 26, on page 52, and ending on page 53, line 5, with the quotation marks, be agreed to.

The VICE PRESIDENT. The clerk will state the committee amendments proposed to be withdrawn.

The LEGISLATIVE CLERK. On page 51, beginning in line 17, it is proposed to withdraw all the amendments on the remainder of that page, and on page 52, down to and including line 4.

Mr. BONE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BONE. The changes in the committee amendments which have been described by the Senator from Tennessee were presented in a fashion a little too complicated for me to follow because he described portions of the text to be stricken out. I wish to ask if the new committee print dated March 24, 1944, is a complete substitute for all the language in the bill under the heading "Tennessee Valley Authority", starting on page 51 and ending at the bottom of page 55.

Mr. McKELLAR. It constitutes an amendment.

Mr. BONE. That is what I wished to ascertain. As I understand, it is a complete substitute for the language to which I have referred.

Mr. McKELLAR. It is a complete substitute.

I ask that the clerk state the amendments.

The VICE PRESIDENT. The amendments in the new committee print will be stated.

The CHIEF CLERK. On page 2, line 3, after the word "periodical", it is proposed to strike out "purchase."

Mr. BONE. Mr. President, I do not know what portion of the suggested

amendments of the committee has been reached, but in order that we may clarify the picture without unnecessary delay, if I am within the rules at this time in making the point of order, I desire to make a point of order against the proposed amendment which I have described and which is printed and now lies on our desks. I make the point that it is general legislation.

The VICE PRESIDENT. The Chair will suggest that we are now on line 3 on page 2 of the committee print. The point which the Senator has in mind begins on line 9, page 2, of the committee print. Will the Senator withhold his point of order until that place is reached?

Mr. McKELLAR. Mr. President, may I ask the Senator from Washington if he would be willing—

Mr. BONE. I am not objecting to the construction of the plants referred to on page 1, but my point of order goes to the amendment on page 2.

Mr. McKELLAR. What I was going to suggest to the Senator was this: Let us complete the amendments, and have that settled, and then he can make the point of order to the completed amendment.

The VICE PRESIDENT. Without objection, the amendments as they appear in the original bill will be withdrawn, and the committee print is now under consideration. The clerk has stated the first amendment on page 2. Without objection, that amendment is agreed to.

The clerk will state the next amendment.

The CHIEF CLERK. On page 2, line 3, after the word "maintenance", it is proposed to insert the word "repair."

The amendment was agreed to.

The next amendment was on page 2, line 9, after the word "field", to insert "\$79,134,882, to be accounted for as one fund known as the 'Tennessee Valley Authority Fund, 1945,' to remain available until June 3, 1945, and to be available for the payment of obligations chargeable against the 'Tennessee Valley Authority Fund, 1944'; and."

Mr. BONE. Mr. President, I make the point of order at this place that the amendment is general legislation sought to be attached to an appropriation bill.

Mr. McKELLAR. Mr. President, paragraph 4 of rule XVI dealing with amendments to general appropriation bills provides:

Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

The provisions of the House text and the committee amendment provide for the disposition of the receipts of the Tennessee Valley Authority. Therefore, I raise the question that the committee amendments are germane and relevant to the subject matter contained in the bill with respect to the Tennessee Valley Authority and relate directly to the item concerning the disposition of the receipts

of the Corporation. The question of relevancy being raised, it therefore, as I understand, becomes the duty of the Chair to submit that question to the Senate without debate. I ask that the question of relevancy be first considered.

The VICE PRESIDENT. The Chair is aware of the fact that on April 1, 1941, when the agricultural appropriation bill was under consideration, the Senator from Nebraska, Mr. Norris, said:

Mr. President, no question of germaneness has been raised. The point is that the amendment is general legislation on an appropriation bill.

The PRESIDING OFFICER—

Who was the Senator from Alabama [Mr. HILL]—

The Chair understood the Senator from Georgia [Mr. RUSSELL] to make the argument that the proviso beginning in line 17 is germane to the language written in the bill by the House of Representatives.

The Senator from Georgia [Mr. RUSSELL] then said:

It pertains to that part of the language and clarifies it.

The question was then referred to the Senate, and the Senate on a division held the amendment was in order.

The Chair, however, believes that the ruling at that time was out of order. The Chair calls attention now to section 4 of rule XVI and urges Senators to read it with great care:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject matter contained in the bill be received—

At that point there is a semicolon—nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

The Senator from Washington has not raised the question of relevancy, but the question of the amendment being general legislation on a general appropriation bill. It is the view of the Chair that action on the question raised by the Senator from Washington should not be estopped because of the question of germaneness being subsequently raised.

The Chair is not aware of the full situation that confronted the Senator from Alabama [Mr. HILL] when he was in the chair on April 1, 1941. The Chair is somewhat familiar with the present situation.

The Chair therefore calls attention to the language in the committee print and the language in the House text. The pertinent language in the committee print is as follows:

\$79,134,882, to be accounted for as one fund known as the Tennessee Valley Authority fund, 1945, to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the Tennessee Valley Authority fund, 1944, and the unexpended balance on June 30, 1944, in the Tennessee Valley Authority fund, 1944, and all the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1945.

That appears from lines 9 to 17 on page 2 of the present committee print.

The corresponding language on page 51 of the bill as it came from the House, extending from line 5 to line 14, reads as follows:

The unexpended balance on June 30, 1944, in the Tennessee Valley Authority fund, 1944, and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1945 (subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the Tennessee Valley Authority fund, 1945, to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the Tennessee Valley Authority fund, 1944.

Of course, the Chair will not undertake to rule with any ultimate decisiveness on whether that which the House did in this language is in conformity with the original T. V. A. Act as amended.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. The Chair does, however, call attention to the fact that the T. V. A. Act, as amended by section 26, reads as follows:

Commencing July 1, 1936, the proceeds for each fiscal year derived by the Board from the sale of power or any other products manufactured by the Corporation, and from any other activities of the Corporation including the disposition of any real or personal property, shall be paid into the Treasury of the United States at the end of each calendar year, save and except such part of such proceeds as in the opinion of the Board shall be necessary for the Corporation in the operation of dams and reservoirs, in conducting its business in generating, transmitting, and distributing electric energy and in manufacturing, selling, and distributing fertilizer and fertilizer ingredients. A continuing fund of \$1,000,000 is also excepted from the requirements of this section and may be withheld by the Board to defray emergency expenses and to insure continuous operation: *Provided*, That nothing in this section shall be construed to prevent the use by the Board, after June 30, 1936, of proceeds accruing prior to July 1, 1936, for the payment of obligations lawfully incurred prior to such latter date.

The Chair would call attention to the fact that the language on page 51 of the bill as it came from the House, lines 5 to 14, inclusive, is in conformity with the basic legislation, with the exception that in the one case "calendar year" is specified, and in the other "fiscal year" is specified.

The Chair therefore holds—

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. That the point of order of the Senator from Washington is sustained.

Mr. McKELLAR. Mr. President, is not this debatable? I was on my feet asking for the privilege of saying a word or two before the Chair ruled.

The VICE PRESIDENT. Very well; the Senator from Tennessee is recognized.

Mr. BONE. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. BONE. I merely wish to suggest that I find nothing in rule XVI which provides any priority in the matter of consideration. I raised my point in view of the suggestion of the able Senator from Tennessee that some priority is suggested. I did not raise the point of relevancy, but urged that the amendment proposed general legislation. I think that point should be disposed of.

Mr. McKELLAR. Mr. President, first I desire to quote a distinguished Senator who is opposed to the amendment now suggested, the junior Senator from Alabama [Mr. HILL]. I read from the Record of March 21, page 2856.

Mr. TYDINGS. This year?

Mr. McKELLAR. This year, just a day or two ago. This is the junior Senator from Alabama speaking:

Let me say to the Senator that that is not the present law, for this reason—

"That is not the present law"—that what appears in the House bill is not the present law—

In the various appropriation bills which have been enacted during the past 7 years, we have changed section 26, so that—

"We have changed section 26," which the Chair has just read:

We have changed section 26, so that today the T. V. A. is really not operating under section 26 as amended. Under the language of section 26 originally, and section 26 as amended, the T. V. A. could deposit its receipts anywhere it saw fit, withholding the receipts under the powers granted in section 26. In appropriation bills we provided that the T. V. A. should pay its receipts into a special fund in the Treasury.

And that is what is proposed for the next year, just as it was proposed last year for the present year.

The T. V. A. receipts have gone into a special fund in the Treasury, and each year Congress has reappropriated the funds which have accumulated in the special T. V. A. fund, together with any other moneys which the T. V. A. needed for the operation of its projects.

I wish to say that when this matter came before the committee the first thing the committee did was to ask the parliamentarian of this body if the amendments under consideration were in order, and the parliamentarian came before the committee, and held, in accordance with the opinion which the Chair has just overruled, that these amendments were in order, and we proceeded along that line. Section 26 is quite different from the provision in the House text. The House amended section 26; I believe the bill as it passed the House actually amends it by words, but I shall have to look that up and verify it. At any rate, it amends it; there can be no question about that. The House having amended it, it is surely within the power of the Senate to amend it.

I do not think the opinion of the Chair is correct. It is not in conformity with preceding opinions of this body. The Chair is changing the rule of the Senate, and for that reason, when the Chair shall finally make his ruling, I shall appeal from the decision of the Chair, and I hope that the decision of the Chair will be overruled.

In order that Senators may be present I shall make a point of no quorum.

Mr. BARKLEY. Mr. President—

Mr. McKELLAR. If the Senator desires to discuss the matter, I shall not make the point of no quorum until later.

Mr. BARKLEY. I trust the Presiding Officer, Senators, and also our able parliamentarian, will give consideration to one or two points I desire to raise, which

I think have not been properly considered.

In the first place, no point of order has been made against the proposed language on the ground that it is not germane.

Mr. McKELLAR. We are not discussing that. The Chair has ruled that out.

Mr. BARKLEY. I understand, but it may be a matter which will have to be discussed. In order for the Chair or for the Senate to pass upon the question of germaneness under rule XVI someone must make the point that the matter in question is not germane. Germaneness does not necessarily relate itself to new legislation in a bill. It may relate itself to other things besides new legislation. The Senate wrote rule XVI, paragraph 2 of which prohibits a committee—the Committee on Appropriations especially—from bringing in amendments which constitute new legislation. It does not make any particular difference whether the point of order is made under section 2 or section 4, but section 2 prohibits the Committee on Appropriations from offering or bringing in an amendment which constitutes new legislation.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BONE. That is precisely the point I raised. I relied on paragraph 2 of rule XVI. I take it that under our rules any Member of the Senate may make the objection. The prohibition in the rule runs against the Appropriations Committee reporting a bill containing objectionable matter, and here before us is the bill reported by the Appropriations Committee containing matter which I conceive to be objectionable. I base my objection on paragraph 2.

Mr. BARKLEY. Paragraph 2 prohibits the Appropriations Committee from reporting on an appropriation bill an amendment proposing new or general legislation. That is one thing. That is with respect to the committee making a report of an appropriation bill containing new legislation. Paragraph 4 relates I think more forcefully to the offering from the floor by Members of the Senate of amendments that would do the same thing that the Committee on Appropriations is prohibited from doing in paragraph 2 of the rule. The question of germaneness and the question of being new legislation are entirely separate matters. As I said a moment ago, a matter might not contain new legislation, but if it is not germane to an appropriation it is not in order to be offered by a Member of the Senate.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. What would be the effect of the decision by the Chair in the event the final decision is that the committee has reported a legislative provision? Would that have the effect of sending the bill back to the committee, or striking the matter out of the bill?

Mr. BARKLEY. Paragraph 2 provides that if a point of order is sustained against an amendment which contains new legislation, the bill shall be returned to the committee. But there has been, as I understand, a modification of that;

I am not absolutely certain that I am correct about it, but I understand that there has been a modification so that the measure would not go back to the committee automatically.

Evidently the Senate in writing this rule had in view protecting itself against a committee doing what Members of the Senate themselves could not do, and if the automatic effect of sustaining the point of order is to send the bill back to committee, evidently the Senate had that possibility in mind when it wrote the rule. It is in my judgment more important to protect the integrity of the rules of the Senate than it is to determine whether a bill shall go back to a committee for further consideration.

But I want to emphasize the point, Mr. President, that the germaneness of an amendment is one thing, and whether it is new legislation is entirely another thing. The House of Representatives, in my judgment, as said by the late Senator from Oregon, Mr. McNary, in the speech he made on the same proposition 2 years ago, cannot write into an appropriation bill a provision which automatically abrogates the rules of the Senate, so that the Senate cannot invoke its own rules against amendments which offer new legislation on an appropriation bill.

As a matter of fact, the House language does not substantially change the present law in any way. Under the present law, section 26, as amended, it is provided that once a year, at the end of the calendar or fiscal year—first it was the calendar year, and then I think the fiscal year—the net, after all expenses, shall be turned into the Treasury of the United States. Under a subsequent appropriation bill this special fund was set up which was to receive the net proceeds. But that does not substantially change the running provisions of the appropriation bills, all of which have required that this be done in compliance with section 26 of the Tennessee Valley Authority Act of 1933, as amended. Therefore I think that on both grounds, under section 2 and under the first phrase of paragraph 4 of rule II, this amendment beyond any doubt constitutes new legislation because it changes the fiscal relationship of the Government, and that the point of order ought to be sustained.

The VICE PRESIDENT. The Chair would like to ask the Senator from Tennessee if he made the point of order that the germaneness should now be voted on—if that is the specific point of order the Senator is now making?

Mr. McKELLAR. I made the point of order that the question of germaneness should be disposed of first, and I asked that that be submitted to the Senate, as the rules of the Senate require.

Mr. BARKLEY. Mr. President, let me ask this preliminary question, and I should like the Senator from Tennessee to give an answer to it. The question of germaneness can only be submitted to the Senate if someone has made a point of order that the matter is not germane. The Senator from Tennessee is not going to make the point of order that his own amendment is not germane?

Mr. McKELLAR. Indeed not.

Mr. BARKLEY. Then the matter is not submitted to the Senate.

Mr. McKELLAR. The rule of the Senate does not provide that a motion either way has to be made. All a Senator has to do is to submit the question of germaneness.

Mr. BARKLEY. No.

Mr. McKELLAR. Read the rule.

Mr. BARKLEY. Let me read paragraph 4.

No amendment which proposes general legislation shall be received to any general appropriation bill—

That is that.

Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

We all recognize that a point of order cannot be passed upon, either by the Chair or by the Senate, unless it is made. Frequently in appropriation bills points of order would lie but no one makes them, and therefore the matter is voted upon like other propositions in the bill. But if anyone makes the point of order, then of course it is subject to be ruled upon by the Chair. But the Chair is not required to take note of any violation of the Senate's rules by an amendment to an appropriation bill unless some Senator makes the point of order that it violates the rule. No one has made the point of order that this amendment is not germane.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BARKLEY. Yes; if I have the floor.

Mr. McKELLAR. I will say that the Senator from Kentucky did not read the point which is relevant to the controversy. Listen to it. There is a semicolon just before this language:

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

I submitted that question to the Senate, and the Chair held that he did not have to submit it to the Senate.

Mr. BARKLEY. The question of relevancy "when raised" is the language. How is the question raised? The question of relevancy is raised just as a question of new legislation is raised, by a point of order made by some Senator directed at the language. I insist that the question of germaneness or relevancy must be raised under the rule itself.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TYDINGS. In order to save time, I make the point of order of germaneness.

Mr. CHANDLER. Mr. President, I should like to ask a question. Which point is now before the Senate?

The VICE PRESIDENT. The Chair wishes to observe that, in his opinion, the point of order with regard to germaneness cannot be raised in such a way as to exclude a point of order raised with regard to whether or not there is general legislation proposed to an appropriation bill.

Mr. McKELLAR. Mr. President, I appeal from the ruling of the Chair.

Mr. CLARK of Missouri. Mr. President, pending that, will the Chair indulge me long enough to cite a precedent on that question?

The VICE PRESIDENT. The Chair does not cite any precedent except the precedent of common sense.

Mr. CLARK of Missouri. I desire to cite a precedent on that subject. On one occasion last year, when the Senator from Kentucky [Mr. CHANDLER] was in the chair, he made a decision on the same subject. I thought his decision was wrong, but his decision was sustained by the Senate.

During consideration by the Senate of the last agricultural appropriation bill, when the question of the farm-security appropriation was before the Senate, a point of order was made by the Senator from Virginia [Mr. BYRD], as I recall, that the matter constituted legislation on an appropriation bill. It then was urged by the Senator from Georgia [Mr. RUSSELL]—

The VICE PRESIDENT. No doubt the Senator has in mind the precedent which the Chair read into the RECORD earlier.

Mr. CLARK of Missouri. If the Chair has already referred to it, very well.

Mr. RUSSELL. Mr. President, if the Senator will permit me to say a word, I should like to point out that the precedent referred to was subsequent to another one. On two occasions the Chair sustained the identical point of order. It happened that I was involved in the parliamentary situation on both occasions. As I recall, one related to the appropriation for the Rural Electrification Administration, and the other related to the appropriation for the Farm Security Administration, now being discussed by the Senator from Missouri. On both occasions the Chair ruled that in cases in which there was any legislation whatever on the part of the House in an appropriation bill, such action on the part of the House opened the door to the Senate to place legislation in the appropriation bill.

Mr. President, if we take any other position, the Senate will tie its hands against ever dealing with any question in an appropriation bill on which the House has legislated.

Mr. CLARK of Missouri. Mr. President, on both occasions it was held, and the ruling of the Chair was sustained by the Senate, that the question of germaneness could be raised by the proponents of the amendment, but that if the amendment was germane, it obviated the question of new legislation on the appropriation bill.

As I have said, I opposed that ruling, in the case of the ruling made when the Senator from Kentucky [Mr. CHANDLER] was in the chair. I opposed it, to the point that we almost came to blows on the subject. But the Senate sustained the position of the Senator from Kentucky, and that is unquestionably the practice of the Senate at the present time.

Mr. CHANDLER. Mr. President, will the Senator yield at this point?

Mr. CLARK of Missouri. If I have the floor, I am glad to yield to the Senator.

Mr. CHANDLER. I should like to call

attention to the question raised a while ago by the Senator from Louisiana. I am not certain that it was satisfactorily answered. The Senator from Washington has raised this question under paragraph 2 of rule XVI. If his point of order is sustained, I have not the slightest doubt that the bill must be recommitted to the Committee on Appropriations; because paragraph 2 of rule XVI reads as follows:

A point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

Under that rule we have no choice.

Mr. CLARK of Missouri. The bill would automatically be recommitted.

Mr. CHANDLER. Yes; as the Senator from Missouri has said, the bill would automatically be recommitted to the Committee on Appropriations, if the point of order were sustained.

If the point of order now raised relates to the matter of relevancy or germaneness, no such situation arises. But if a point of order under paragraph 2 of rule XVI is sustained, the Senate has no choice. The bill then must be recommitted to the Committee on Appropriations.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. RUSSELL. I wish to observe, if the Senator will indulge me, that without regard to the merits of the question, in my judgment it would be the most unfortunate precedent the Senate could establish, to hold that when the House has violated this rule and has attached legislation to an appropriation bill, the Senate is powerless to change the position of the House.

Mr. BARKLEY. Mr. President, the Senate is not powerless because the Senate can strike out the legislative provisions added by the House to the appropriation bill; so the Senate is not bound by the fact that the House has added legislation to an appropriation bill. It would be in conformity with our own rule if the Senate should do that, and it would be recommended by the Committee on Appropriations. So we are not actually bound.

Mr. RUSSELL. The Senator knows it is possible to draw a legislative item to an appropriation bill in such manner that if only the legislative provision is stricken out, and if the matter which is not legislation is allowed to remain, the provision will not make sense; and in that case, in the subsequent necessary conference some one of the conferees would have the right to add legislation to the appropriation bill. Why should the House of Representatives or a conference committee have more power in dealing with an appropriation bill than has the Senate of the United States?

Mr. President, this question has been raised in the Senate on a number of previous occasions; and, so far as I know, the Senate has uniformly held, and under the advice of the Parliamentarian of the Senate any Member of the Senate who happened to be presiding has ruled that if the House of Representatives has

added a legislation item to an appropriation bill, the Senate certainly has a right to legislate on the same item when the bill comes before the Senate. If any other position should be taken, the Senate would not be a body of equal dignity with the House of Representatives in connection with the handling of appropriation matters.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. In the case of action taken by the House of Representatives in the nature of legislation on an appropriation bill, is it not fundamental that the Senate has a right to pass on it?

Mr. RUSSELL. If the Senate is to be of equal power with the House, it is fundamental.

Mr. CONNALLY. If the House desires to add legislation to an appropriation bill, it does so. Does anyone mean to say that when such a bill comes to the Senate, the Senate must accept it as written by the House or must reject it, but that the Senate cannot modify or change the items referred to? It seems to me the issue goes beyond the matter of a point of order, and goes to the very question of the legislative power of the Senate.

Mr. RUSSELL. Mr. President, that is the very point I was undertaking to make. If the Senator from Kentucky is correct, the only power the Senate has in connection with a matter which is legislation on an appropriation bill is to strike out the legislation.

Mr. BARKLEY. That is all.

Mr. RUSSELL. Every Member of the Senate who has studied an appropriation bill has found that in such bills legislative matter has been so interwoven with appropriation items that the striking out of the legislative matter would leave the bill in such shape that it would not make good sense.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CLARK of Missouri. If, as the Senator mentioned, the Senate simply struck out the legislative items which the House attached to the appropriations bill, the bill would subsequently have to go to conference; and, according to the undisputed practice relating to committees of conference, any matter germane to the bill would be before the conference. Under those circumstances, the Senate would simply be prevented from participating in legislation on an appropriation bill, but the House conferees and the Senate conferees would be enabled to indulge in legislation on the bill.

Mr. RUSSELL. I have just stated that if the ruling should be sustained, a conference committee would be granted powers which would be forbidden to the Senate of the United States.

Mr. President, the implications of such a ruling go far beyond the merits of the instant issue before the Senate. I regret very much that it has been raised; because if the Senate were to sustain a ruling by the Chair which would tie the hands of the Senate from legislating on

a matter in an appropriation bill on which the House had already legislated, the result would be to say that the Senate of the United States is not a coequal body with the House of Representatives in connection with the handling of legislation on appropriation bills, and, in addition, that the Senate of the United States does not have a power which a creature of the Senate—a conference committee—would have because certainly a conference committee would have a right to modify or to change or to yield as to legislative provisions on an appropriation bill which might come to the Senate from the House of Representatives. It is as fundamental as the creation and constitutional establishment of the Senate of the United States as a coequal legislative body that the Senate has a right to legislate on any matter on which the House of Representatives has legislated.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHANDLER. Does the Senator feel that the question of germaneness or relevancy should be decided first by the Senate before a decision is made under a rule which would automatically force the bill to be recommitted to the Committee on Appropriations?

Mr. RUSSELL. If the Senate is to adhere to the unbroken precedents of this body, so far as I know, that would be the procedure which would be followed.

Mr. McKELLAR. Mr. President, we should have to do so, because the Chair has just ruled that he does not have to submit to the Senate the question of relevancy, as raised by both the Senator from Maryland [Mr. TYDINGS] and myself. The Senator from Maryland [Mr. TYDINGS] raised it directly, and I raised it indirectly. The Chair has so held, and I have appealed from the Chair's ruling. That is the pending question.

Mr. BONE obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. BARKLEY. I desire to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. I should like to inquire whether two points of order, both relating to two different provisions of the rule, can be pending at the same time. Regardless of what may be done with respect to the point of order relative to the general legislative theory of the amendment, certainly, in my judgment, the two points of order constitute different grounds for rejection. If the point of order made by the Senator from Maryland had been submitted first—namely, the point of order that the language was not germane under the rule—of course, it would have to be submitted to the Senate. But, the point of order having been first made that the matter constitutes new legislation, it seems to me we cannot entertain two points of order at the same time. We must dispose of them one at a time. The point of order raised against the matter as general legislation was made first, and

it seems to me it should be disposed of first.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BONE. I am not sure that I have the floor. I wish to make a statement. If I have the floor, I yield.

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. CLARK of Missouri. In response to what the Senator from Kentucky has said, let me say that the Senator evidently misconceives the theory upon which the question of germaneness enters into the equation. The theory is that while the amendment standing alone might be subject to the point of order that it is legislation on an appropriation bill, it is taken out of the general rule if it appears that there is legislation on the subject in the bill as it comes from the House, and that the amendment proposed is germane to the House provision. That is the principle. Therefore, it is not a question of having two points of order on different subjects. The second point of order is designed to obviate the effect of the first point of order.

Mr. BONE. Mr. President, let me suggest that there is not a line or a syllable in the rule itself which fortifies the position of my able friend from Missouri. I sought to find something to enlighten me on that particular point, and found nothing.

Mr. President, in view of the fact that this question seems to have profoundly disturbed my brethren and may, in the normal course of events, constitute a Senate precedent of some moment, the Vice President having ruled on it, I now ask that as a part of my remarks at this point there be printed in the RECORD all the provisions in the pending bill beginning on page 51, under the heading "Tennessee Valley Authority," and including all the language down to the bottom of page 55, with all the italics, diacritical marks, interlineations, and everything else which appears in that language.

There being no objection, the language referred to was ordered to be printed in the RECORD, as follows:

TENNESSEE VALLEY AUTHORITY

[Omit the part in black brackets and insert the part printed in italic]

For the purpose of carrying out the provisions of "The Tennessee Valley Authority Act of 1933", as amended (16 U. S. C., ch. 12A), including the continued construction of Kentucky Dam at Gilbertsville, Kentucky; [Watts Bar steam plant; Fort Loudoun Dam (including an extension to bring the waters of the Little Tennessee River within the pool of this project);] Fontana Dam; South Holston Dam; Watauga Dam; [an additional unit at the Sheffield steam plant;] and a fertilizer and elemental phosphorus manufacturing plant at or near Mobile, Alabama; and the acquisition of necessary land, the clearing of such land, and relocation of highways, within authorized projects, and the construction or purchase (not exceeding \$600,000) of transmission lines and other facilities authorized by the Tennessee Valley Authority Act of 1933, as amended, [and all other necessary works authorized by such Act,] and for printing and binding, lawbooks, books of reference, [newspapers, periodicals, purchase,] maintenance, repair, and operation of not more than seven hundred passenger-carrying vehicles not exceeding \$225,000 (and all passenger-

carrying motor vehicles owned by the Authority in excess of seven hundred and all aircraft other than those used for mosquito control work shall be declared surplus and shall be sold to the highest bidder or bidders), rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field,] \$76,981,873, to be accounted for as one fund known as the "Tennessee Valley Authority fund, 1945", to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1944"; and the unexpended balance on June 30, 1944, in the "Tennessee Valley Authority fund, 1944", and all the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1945 [subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended] and subsequent fiscal years, shall be covered as and when collected into [and accounted for as one fund to be known as the "Tennessee Valley Authority fund 1945", to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1944": Provided, That purchases may be made by the Authority during the fiscal year 1945 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined by the President to be essential for defense purposes] the general fund of the Treasury of the United States: Provided, That no part of any appropriation or fund made available to the Tennessee Valley Authority by this Act or otherwise for the fiscal year 1945 or any subsequent fiscal year shall be used (1) for paying for advertisements in newspapers, by radio, or otherwise (except publication of notices required by statute and except in cases of emergency shortage of power); (2) for paying for any expenses in connection with explorations for sources of alumina or other minerals (except such as are necessary for the construction, completion, or operation of any authorized projects); (3) for buying lands or buildings or building steam plants or building new dams or additions to dams, not authorized by law; (4) for the purchase of passenger-carrying vehicles; (5) for the maintenance, repair, or operation of any passenger-carrying vehicle, unless such vehicle is (a) used only upon official business of the Authority and (b) has painted on each side in white letters not less than two inches high "TVA On Official Business"; (6) for the payment of any claim for damages, or any contested claim, involving a sum of \$10,000 or more, except in pursuance of an order, decree, or judgment made by a court of competent jurisdiction after a hearing in such court as to the facts relating to such claim; (7) for any political purpose whatsoever, directly or indirectly, or for the purpose of seeking to influence public opinion, by means of lectures, advertisements, publications, public statements, radio, or otherwise for or against (a) any candidate for public office or (b) any legislation or legislative proposal; (8) for paying any compensation to or expenses of any member or other officer or employee of the Authority who takes an active part in political management or political campaigns or who seeks to influence public opinion, by means of lectures, advertisements, publications, public statements, radio, or otherwise, for or against (a) any candidate for public office or (b) any legislation or legislative proposal; (9) for furnishing fertilizer or any components thereof to any person free of charge, or at less than cost, unless such person be selected

and approved by the county agent of the county of such person's residence; (10) for paying for any audit or examination of the books or accounts of the Authority by any nongovernmental accountant or firm, the Comptroller General of the United States being authorized by law to make such audits; (11) for paying any administrative or other expenses in connection with the making of any contract which discriminates unjustly between consumers of the same character of current under similar circumstances; (12) for the establishment of or additions to any reserve fund; (13) for paying the salary or compensation at a rate of \$4,500 or more per annum of any officer or employee who shall not be appointed by the President, by and with the advice and consent of the Senate; (14) for the maintenance, repair, or operation of any aircraft other than those used for mosquito-control work; (15) for the maintaining the principal office, principal place of business, or general headquarters of the Authority at any place other than in the immediate vicinity of Muscle Shoals, Alabama; or (16) for paying the compensation of any member of the board of directors of the Authority, or any officer or employee of the Authority having general supervisory powers over any phase of its activities throughout its area of operations, who does not maintain his principal place of business and office in the immediate vicinity of Muscle Shoals, Alabama.

Mr. BONE. Following that, I ask unanimous consent that there be printed the committee print which appeared on our desks today, dated March 24, 1944.

There being no objection, the committee print was ordered to be printed in the RECORD, as follows:

[Committee print]

March 24, 1944

PROPOSED AMENDMENTS TO THE TENNESSEE VALLEY AUTHORITY ACT AS AGREED TO BY THE COMMITTEE ON APPROPRIATIONS ON MARCH 23, 1944

[Omit the part in black brackets and insert the part printed in italics]

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of "The Tennessee Valley Authority Act of 1933", as amended (16 U. S. C., ch. 12A), including the continued construction of Kentucky Dam at Gilbertsville, Kentucky; Watts Bar steam plant; Fort Loudoun Dam (including an extension to bring the waters of the Little Tennessee River within the pool of this project); Fontana Dam; South Holston Dam; Watauga Dam; an additional unit at the Sheffield steam plant; and a fertilizer and elemental phosphorus manufacturing plant at or near Mobile, Alabama; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such Act, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, [purchase,] maintenance, repair, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, \$79,134,882, to be accounted for as one fund known as the "Tennessee Valley Authority fund, 1945", to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1944"; and the unexpended balance on June 30, 1944, in the "Tennessee Valley Authority fund, 1944"; and all receipts of the Tennessee

Valley Authority from all sources during the fiscal year 1945 [(subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended)] and subsequent fiscal years, shall be covered quarterly into [and accounted for as one fund to be known as the "Tennessee Valley Authority fund 1945", to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1944"] the general fund of the Treasury of the United States: Provided, That purchases may be made by the Authority during the fiscal year 1945 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined by the President to be essential for defense purposes.

Mr. BONE. Mr. President, I was really depressed to learn that my able friend the Senator from Missouri and my able and very learned friend from Kentucky [Mr. CHANDLER] once nearly engaged in fisticuffs over this particular rule, because any problem that could excite those two able and very amiable gentlemen to that sort of attitude toward each other is something which assuredly should be laid at rest as an issue in the Senate. Over the years I have been privileged to know these gentlemen in a very delightful intimacy. I have always found them bearing themselves in the brunt of battle with the true courtesy of Arthurian knights. It is something of a shock to learn that in the mind or the heart or the attitude of either there was an impish impulse for fisticuffs over this tremendous and important issue which we have just been discussing. So, for posterity and history, and for those who shall follow through the numberless cycles of time while the Senate shall last, in order utterly to put at rest the issue which has been raised here today, I want the RECORD to show everything that appears in the bill and the amendments before us, so that we may once and for all time settle the question.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. BARKLEY. If the Senator will include in his remarks the remarks made by the Senator from Missouri in connection with another bill, in which he took the opposite position, it might show some reason for the excited attitude on the part of the Senator from Kentucky.

Mr. CLARK of Missouri. Mr. President, I shall be glad to have that done, provided the RECORD also includes the vote by which I was defeated on that proposition.

Mr. BONE. Mr. President, my love for the Senator from Missouri is something worthy of note, but at times I may be filled with what to him may seem an impish desire to irritate him. I should like nothing better than to insert at this point in the RECORD the remarks of my able friend from Missouri dealing with this particular question, but they are not available.

Mr. CLARK of Missouri. Will the Senator also insert the vote by which I was defeated, and by which the precedent of the Senate was established?

Mr. BONE. My remarks probably creep into his drab life like a gleam of supernal sunshine. I merely want to elevate him to higher planes of thought. I think his parliamentary foot slipped today. I am sorry to learn from my friend from Kentucky that the Senator from Missouri has ever reversed himself. I have always considered him one of the staunchest pillars of righteousness in the matter of loyalty to the rules of the Senate.

Mr. CLARK of Missouri. I did not reverse myself. I take the law as I find it. I made this contention in perfect good faith. The Senate, by a decided vote, overruled me. I have not reversed myself. I take the law as I find it. I do not think the Senate should follow one rule when it wishes to sustain an amendment and another rule when it wishes to defeat it. I think there should be some uniformity. I think it is more important to have uniformity than to be right.

Mr. BONE. I know that the Senator from Tennessee wishes to vote on this question immediately, and I do not wish to prolong the discussion. I yield the floor.

Mr. CLARK of Missouri. Mr. President, when the Senator is inserting a few remarks by me on the agricultural appropriation bill last year, he also ought to insert the remarks of the distinguished Senator from Kentucky [Mr. BARKLEY], who was very urgently, strenuously, and ably contending for exactly the position which I take today.

Mr. BARKLEY. Mr. President, ever since I was a boy in knee pants in the House of Representatives I have tried to follow the Senator from Missouri. I am now following in his footsteps when I exercise the same right to change my view that he has exercised.

Mr. CHANDLER. Mr. President, I should like to make the observation that under paragraph 4 of rule XVI objection can be made by a point of order raised on the floor against an amendment because of its lack of germaneness or relevancy. That is not fatal to the bill from the standpoint of having the bill withdrawn from the consideration of the Senate. If the amendment were found to be not germane, or to be irrelevant, it could be laid on the table without prejudice to the bill.

If a ruling is made and sustained on the point of order, made by my good friend from Washington, under paragraph 2 of rule XVI, the bill automatically must leave the Senate and go back to the Committee on Appropriations. Why do we not first decide the question of relevancy and germaneness? After we have passed that point we can come to the next point, as to whether the committee has made a mistake in reporting a bill to the Senate in violation of the Senate rule. If that decision is in the affirmative, under the rule the bill must automatically go back to the Committee on Appropriations. That is the plea I am making in order that we may have a clear ruling and a just decision on the whole question.

Mr. McKELLAR. Mr. President, let me say to the Senator from Kentucky that the Chair has already held that this question should not be submitted to the Senate, and I have appealed from that ruling. The Chair has ruled on the point of order made by the Senator from Maryland [Mr. Tydings], that the question of relevancy should not be submitted to the Senate. I have appealed from the ruling. So the same result would be attained by voting to overrule the decision of the Chair.

Mr. CHANDLER. Mr. President, what is the ruling?

The VICE PRESIDENT. The Senator from Tennessee requested that the Chair withhold decision until all the arguments had been made.

Mr. McKELLAR. That was as to the first ruling of the Chair; but since that time the Chair has held that the point of order raised by the Senator from Maryland [Mr. Tydings] was not to be submitted to the Senate, and I have appealed from the ruling of the Chair. The RECORD will sustain what I have said.

Mr. CHANDLER. My understanding was that the Chair had withheld his ruling. I thought the whole question was still before the Senate. Let us see if we cannot adjust it without having to vote on an appeal from a ruling by the Chair. I think the Chair is in error. I should have to vote against the ruling of the Chair, which I do not wish to do, but I am not afraid to do so if it should become necessary. I think we ought first to determine the question of germaneness and relevancy. If that fails, the bill does not have to go back automatically to the committee. If we vote on the point raised by the Senator from Washington [Mr. Bone], and he is successful, the bill will automatically disappear from the consideration of the Senate and go back to the committee. There is no choice. The rule provides that it shall go back.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. BARKLEY. What effect does my colleague give to the first part of paragraph 4 of rule XVI, which provides as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is not hooked up with anything else. If the Chair should rule, under paragraph 4, that the amendment does contain legislation, it would not go back to the committee.

Mr. CHANDLER. I construe that to mean that no amendment containing general legislation, if objected to, shall be received from the floor, after the bill is before us. If the Senator were to offer from the floor an amendment containing general legislation, and it were objected to, under paragraph 4 of rule XVI it would have to be submitted to the Senate without debate. However, my plea now is that we decide whether or not this amendment is germane, or relevant, or both. The Senator from Maryland [Mr. Tydings] has raised the question of germaneness. The Senator from Washing-

ton would not lose anything if we should decide that it was germane. For the time being it would be germane. If we should decide that it was not, the amendment could be laid on the table without prejudice to the bill.

Mr. OVERTON and Mr. BONE addressed the Chair.

The VICE PRESIDENT. The Senator from Louisiana is recognized.

Mr. OVERTON. Mr. President, I thoroughly concur in the interpretation of the two rules stated by the Senator from Kentucky. There are two rules. There would not be two rules unless we were dealing with two different phases of the question. The first phase of it is covered by paragraph 2 of the rule. That is, when the committee reports an appropriation bill containing general legislation, there is only one remedy, and that is to make a point of order. If the point of order is sustained, the bill must then go back to the committee.

Mr. CHANDLER. That question was raised by my friend, the Senator from Louisiana.

Mr. OVERTON. That is correct. That is the only point which can be made when the committee itself reports an appropriation bill containing general legislation.

Mr. CHANDLER. That is what I understand.

Mr. OVERTON. If some Member from the floor offers an amendment which proposes general legislation, and the point of order, under paragraph 4 is made and sustained, the amendment cannot be received; but, of course, the bill does not go back to the committee. Therefore it is necessary to have both rules. They deal with entirely distinct phases of the question.

Mr. BARKLEY. Will my colleague the Senator from Kentucky yield in order that I may ask for some information from the Senator from Louisiana [Mr. OVERTON]?

Mr. CHANDLER. I yield.

Mr. BARKLEY. If it be true that paragraph 2 deals only with amendments offered from the floor, is it the contention of the Senator that if the Committee on Appropriations should bring in some amendments which were not germane, no Senator could raise a point of order against them?

Mr. OVERTON. No.

Mr. BARKLEY. Then paragraph 4 is limited only to amendments offered from the floor of the Senate, and paragraph 2 has nothing to do with germaneness.

Mr. OVERTON. Paragraph 2 has nothing to do with germaneness. Paragraph 4 has to do with germaneness.

Mr. BARKLEY. So the Committee on Appropriations could bring in an amendment not germane, and no Senator in the Senate could raise a point of order.

Mr. OVERTON. Any Senator may raise a point of order with respect to germaneness, but if the question of germaneness is raised and sustained, the amendment does not go back to the committee.

Mr. BARKLEY. No; not under paragraph 2.

Mr. OVERTON. As I have said, paragraph 2 deals with general legislation re-

ported by the committee to an appropriation bill.

Mr. BARKLEY. And it deals only with general legislation.

Mr. OVERTON. It deals only with general legislation; that is all. That is separate and apart. When the committee makes a report of a bill containing general legislation, and a point of order is sustained, the bill goes back to the committee. Paragraph 2 is very clear on that point. However, paragraph 4 deals with another phase of general legislation, and applies when a Senator offers to an appropriation bill an amendment containing general legislation. It also deals with another question entirely diverse from general legislation, namely, the question of germaneness.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. BONE. My sunny friend from Kentucky surrounds himself with an aura of gloom. He refers to the fact that the bill would have to go back to the committee. Let me lift him from the bog of despair in which he seems to be, and point out that the bill could go back to the committee and emerge in 1 hour. Probably the chief delay would be in printing. The committee could meet and in 3 minutes it could bring the bill back. There is no crisis involved here. I have been in the Senate many years, and I never heard a rule announced on this floor with any aspect of finality that would apply to a question affecting germaneness as against general legislation. I may be in error.

Mr. CHANDLER. My friend the Senator from Washington has been here a long time but in all the time he has been here he has not had as much trouble with this rule as I have had. I am very anxious to have this rule cleared up, and I think we can make more headway if we follow the method which I have suggested. I do not wish to vote, as I have heretofore said, on an appeal against the ruling of the President of the Senate. However, if that rough way is the only way to handle it, then we shall have to handle it in that way.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. LA FOLLETTE. Mr. President, I think this situation is rather unique. It seems to me that technically this bill has not been in the possession of the committee since it was reported. It was the unfinished business of the Senate when we recessed day before yesterday. It is true that the committee held a meeting, and authorized the acting chairman of the committee to come to the Senate and withdraw certain amendments, and to retain certain of the amendments which had been reported from the committee. The Senator from Tennessee [Mr. McKellar] himself, when he made a statement with respect to the amendments earlier today, stated that he did so by the direction of the committee. So it would seem that the point of order which has been raised is directed against the amendment which the Senator from Tennessee has offered, rather than against the bill. The point

of order therefore would have to be brought under paragraph 4 of the rule instead of under paragraph 2. I may be in error about that because there was some confusion in the Chamber when the Senator from Tennessee was reading his statement concerning the amendments. I understood the effect of his statement to be the withdrawal of certain amendments, and to offer other amendments. He did that as an individual Senator, although, it is true, at the direction of the committee. Insofar as the committee could influence the decision of the Senate, it would be a committee action. But in reality, as it stands here today, it is the action of the Senator from Tennessee in his capacity as Senator, although he takes such action as the result of instruction by his committee.

Mr. CHANDLER. Mr. President, I agree with the statement of the Senator from Wisconsin that any such amendment offered by any Senator from the floor could be disposed of by the Senate without prejudice to the bill. However, this other matter definitely prejudices the bill.

Mr. BURTON. Mr. President, in the discussion of paragraphs 2 and 4 of rule XVI it has been suggested that there is some confusion between the two paragraphs. It seems to me that there is language contained in paragraph 2 which distinguishes it clearly from paragraph 4 and would help clear up some of the present controversy. Paragraph 2 relates to the Committee on Appropriations reporting an appropriation bill, and if it contains an amendment proposing new and general legislation, then a point of order may be made against the bill as coming from the Appropriations Committee with such an amendment in it. If objection is raised to the bill and is sustained, then the bill goes back to the committee.

As I understand, the Senator from Washington, in this instance, is not raising a point of order to the bill, but is raising a point of order to an amendment to the bill. That comes under paragraph 4, and does not involve the return of the instrument to the committee. That question must be raised under paragraph 4, however.

Mr. CHANDLER. It does come under section 4, and its germaneness or relevancy must be submitted by the Chair to the Senate.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. The primary purpose of the Senate of the United States is to pass on legislation. We have legislation before us containing a particular provision which some Members of the Senate favor and others oppose. It seems to me that at a time such as this the question on its merits should be submitted to the Senate without points of order being made by any Member. It also seems to me that if a majority of the Senators wish to favor the proposal of the Senator from Tennessee, they should be permitted to do so. If they do not favor it, of course, we should not adopt it as a national policy.

I therefore make the sincere request to those who have spoken for and against this measure that all points of order against the proposal be withdrawn, and that the Senate vote on it on its merits. If we think it is good for the country, let us adopt it. If it is not good for the country, let us strike it down. All this debate over parliamentary procedure on such a small point, when such a tremendous issue is involved, seems to me to be an evasion of our duty in formulating plans and policies for the country. I myself made one of the points of order in order to try to clarify the situation. I shall be very glad to join with the Senator from Washington, or with any other Senator, in withdrawing the point of order and allowing the Senate to vote on the question of whether the proposal in itself has merit, or should be voted down.

Mr. CLARK of Missouri. Mr. President, I did not wish to offend the Senator from Kentucky. I merely wished to express the hope that when my friend, the Senator from Washington, was putting in insertions from me during the debate on the point of order relating to the Farm Security Administration provision in the last agricultural appropriation bill, he would also include the remarks of the Senator from Kentucky, who at that time was urging the position which I am now taking.

Mr. CHANDLER. I am ready to conclude. But I want to ask the Chair this question: Has the Chair made a final ruling or is the situation still so that a ruling can now be made?

The VICE PRESIDENT. The point at issue is the objection of the Senator from Tennessee to the point made by the Senator from Maryland.

Mr. McKELLAR. No; I have made no objection.

The VICE PRESIDENT. The Senator from Maryland made the point that the amendment was not relevant or germane—as the Chair recalls he included both, that it was neither relevant nor germane—and the Senator from Tennessee can state what he said.

Mr. McKELLAR. It is already in the Record, but I am perfectly willing to withdraw any motion that I made so that the motion of the Senator from Maryland may be put.

Mr. GEORGE. The Senator does not, I presume, withdraw his appeal?

Mr. McKELLAR. No; I am not withdrawing the appeal. I understood the Chair to overrule the motion of the Senator from Maryland. I understood it that way, and I took an appeal on that.

The VICE PRESIDENT. The Senator appealed from that decision.

Mr. TYDINGS. Mr. President, a parliamentary inquiry. What is now the question before the United States Senate?

The VICE PRESIDENT. The question before the United States Senate is on the appeal of the Senator from Tennessee to the ruling the Chair made in regard to the point raised by the Senator from Maryland.

Mr. TYDINGS. So that if we have a vote, the vote will be on the question whether the point of order made by the

Senator from Maryland shall be sustained or shall not be sustained?

The VICE PRESIDENT. On whether the decision of the Chair shall stand.

Mr. CLARK of Missouri. Mr. President, just a moment.

Mr. TYDINGS. Mr. President, a parliamentary inquiry. I am not trying to formulate the exact language of how the motion should be put, but only the substance of it. After listening to the debate and to the Chair explain the parliamentary situation, I take it the first vote will come on whether or not the position of the Chair on my point of order shall be sustained or shall not be sustained.

Mr. BONE. Mr. President, will the Senator yield?

The VICE PRESIDENT. The vote will be on the appeal from the decision of the Chair on the point made by the Senator from Tennessee.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry. Is not this the situation: On the point of order of the Senator from Maryland the Chair has ruled he was not required by the rules to submit it to the Senate.

The VICE PRESIDENT. That is correct.

Mr. CLARK of Missouri. From that decision the Senator from Tennessee has appealed.

The VICE PRESIDENT. That is correct.

Mr. CLARK of Missouri. Now, if the decision of the Chair stands, the Chair is not required to submit the question of germaneness to the Senate, and if the decision of the Chair is overruled, the Chair will be compelled to submit the question of germaneness to the Senate, and then the question of germaneness will be determined by the Senate.

SEVERAL SENATORS. Vote!

Mr. BARKLEY. Mr. President, that is not quite the situation.

Mr. STEWART. Mr. President, will the Senator yield?

The VICE PRESIDENT. The junior Senator from Kentucky has the floor. Does he yield and, if so, to whom?

Mr. CHANDLER. I do not yield at the moment. What the Senator from Missouri suggests is what I have been trying to avoid. I want now to ask my friend from Tennessee and my friend from Maryland to withdraw their motions if we are going to make any headway, so that we will not have to vote on the appeal from the decision of the Chair, and then let us start all over again. Then I want the Chair to take back what he said, so that we can vote on the question of germaneness and relevancy. When I first got on my feet I especially asked the Chair not to make a final ruling until we could discuss the matter. There would be no excuse for discussing it if we were not going to have a chance to arrive at a fair and just conclusion, without appealing from the decision of the Chair.

Mr. McKELLAR. Mr. President, if the Chair is willing to submit the question of relevancy to the Senate, of course I am willing to withdraw the appeal, and let the question be submitted to the Senate according to the Rules of the Senate.

I hope the Chair will, and I think the Chair should, submit to the Senate the question of relevancy.

The VICE PRESIDENT. The Chair wishes to state that, in his opinion, it certainly is not common sense to use the question of germaneness or relevancy to obviate completely the consideration of whether or not general legislation has been introduced into an appropriation bill. That appeals to the Chair as being nothing more nor less than a parliamentary trick.

Mr. McKELLAR. I indulged in no parliamentary trick.

Mr. CHANDLER. Mr. President—

Mr. McKELLAR. Mr. President, will the Senator from Kentucky yield to me?

Mr. CHANDLER. I yield.

Mr. McKELLAR. I want to say that I have not undertaken to trick the Chair about anything. The Chair has made a ruling that he does not have to submit the question of relevancy to the Senate. Under the circumstances, I honestly believe—I never believed anything more honestly—that, in accordance with all the authorities, when the point of relevancy is raised, as it was raised by the Senator from Maryland, beyond the question of doubt it is the duty of the Chair, and his first duty, to submit the question to the Senate. It is not a trick. I denounce the statement of the Chair that I have undertaken to trick anybody. I am not that kind of a man, Mr. President. I do not believe in tricking anybody. I am not offering any trick measures or motions here, nor am I asking for any trick rulings. I think it is damnable for anybody to make the suggestion that any statement I made was a trick, and I state to the Chair that I think he should withdraw his remark.

The VICE PRESIDENT. The Chair will be very happy, indeed, to do so. The Chair did not entertain for a moment the idea that the Senator from Tennessee would indulge in a trick; that was the farthest thing from his mind. But the Chair does feel, in view of the fact that the Senator from Washington first made a request for a ruling on the point of order, that general legislation was proposed to the appropriation bill, that the Chair does have a right to make a ruling on that point under the rules of the Senate.

Mr. CHANDLER. Mr. President, we are operating under rule XVI. Rule XVI is a rule that contains several sections. The objection made by my friend the Senator from Washington to the amendment was not to the bill, but to an amendment on the ground that it proposes general legislation to an appropriation bill. Under the articles and sections of rule XVI, there is a place where the question of germaneness and relevancy ought to be decided, and the decision on the question would not be fatal to the bill; that is, it would not be fatal in the sense that the bill would have to leave the Senate floor and go back to the committee. It may come back again; it may come back in half an hour or an hour or it may come back in a day or a week, although I have seen bills go to the committee and never come

back; I have seen bills disappear when they were recommitted and never return. Of course, that would not happen in this instance.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CHANDLER. In just a moment. I asked the Chair to withhold his ruling so that we could avoid a vote on his ruling that the Senate did not have the right to decide the relevancy and germaneness of an amendment offered to a bill that contains general legislation, or is alleged to contain general legislation. There is an easy way to do it; there is a nice way to do it and a rough way to do it. I am prepared to follow either way if we have to. I think the Chair was mistaken; I think we have a right in the Senate to say whether or not this amendment is relevant and germane. If we do so and say it is irrelevant, or say it is not germane, it will not be fatal to the bill. The amendment can be laid on the table without danger to the bill, and then we can take up the next amendment.

Mr. BANKHEAD. Will the Senator from Kentucky yield?

Mr. CHANDLER. I yield.

Mr. BANKHEAD. Suppose it were held, either by the Chair or by the Senate, that it was germane, but it was decided, on the contrary, to hold that it was new legislation, and therefore not admissible in the bill? It is contended that a ruling by a vote of the Senate that the amendment was germane would prevent the Senate acting on whether it was a violation of the rule as adding general and new legislation to the bill.

Mr. CHANDLER. The objection is not to an amendment. The objection called for in paragraph 2 is to a bill, it is not to an amendment. I am talking about an objection to an amendment, not to the bill. An objection to a bill should be made to a bill as a whole, under paragraph 2 of rule XVI. An objection to an amendment should be made under paragraph 4, and the amendment, if the objection is sustained, can be laid on the table without prejudice to the bill, and the Senate can proceed in an orderly manner.

I wish to ask the Chair again whether the Chair has made his final decision. Notwithstanding what the Senate has done or what the Senator from Maryland has urged, has the Chair made his final decision, or does he now wish to submit his final decision?

The VICE PRESIDENT. The Chair would like to make the statement that he feels that it was not the intent of the original formulators of the Rules of the Senate that a ruling on germaneness should obviate a point of order with regard to general legislation on an appropriation bill.

Mr. McKELLAR. We all agree to that.

The VICE PRESIDENT. The Chair is also informed that if the subject of germaneness is determined, and an amendment is held to be germane, then it is impossible to pass on the question of whether or not it is general legislation. The Chair feels that is wrong, that the Senate should have opportunity

to pass on the point whether a proposal is to add legislation to an appropriation bill. In view of the fact that the Senator from Washington in the first place made the latter point, the Chair took the position he has taken, because the point of germaneness was made secondly.

Mr. BARKLEY. The Chair has not ruled that if a point of order is made against language on the ground that it is not germane or not relevant he does not have to submit that to the Senate. The Chair does have to submit it to the Senate. The Chair's ruling is that a point of order having been previously made on the question of the amendment being general legislation, which is a different matter, that cannot be superseded by a subsequent point of order as to germaneness, the effect of which would be to deny any Senator the right to make the point.

The VICE PRESIDENT. The Senator has stated more accurately than did the Chair the intent of the Chair.

Mr. CLARK of Missouri. A parliamentary inquiry. As a matter of fact, the Chair has ruled that he is not required by rule XVI to submit the particular point of order made by the Senator from Maryland. Leaving out any generalizations about it, what the Chair has ruled is that he does not have to submit under rule XVI the particular point of order made by the Senator from Maryland. Is not that what the Chair ruled?

The VICE PRESIDENT. The Chair wishes to change his ruling to the position as stated by the Senator from Kentucky.

Mr. CLARK of Missouri. A further parliamentary inquiry. Is it not a fact that the Chair has actually ruled that he will not submit the question of the point of order raised by the Senator from Maryland, and from that ruling the Senator from Tennessee has taken an appeal?

Mr. BARKLEY. Mr. President, the Chair's ruling meant simply that the point of order made by the Senator from Maryland was not in order to be made at the time it was made because another point was pending. That is the effect of it.

Mr. CLARK of Missouri. The Senator from Kentucky may rationalize and attempt to justify this remarkable decision of the Chair as much as he pleases, but the fact is that what the Chair has ruled is that he is not required by rule XVI to submit the point of order on germaneness raised by the Senator from Maryland. No matter how much the Senator from Kentucky may wish to rationalize that ruling the fact is that that is the effect of the language.

Mr. BARKLEY. I do not have to rationalize the ruling; it rationalizes itself.

Mr. BONE. Mr. President, unless my ears deceive me, after I had made the point the Chair ruled on it, and held that it was well taken. As I recall—and I assert this on the theory that my ears did not deceive me—thereupon the Senator from Tennessee [Mr. McKELLAR] appealed from the ruling of the Chair.

Mr. McKELLAR. No; the Chair withheld his ruling.

The VICE PRESIDENT. The Senator from Tennessee had been asking to be recognized, and he asked the Chair to withhold his ruling until he was recognized.

Mr. BONE. I have no objection to the matter being submitted to the Senate, but just for the purpose of the Record, and perhaps in aid of the new Senators who have come into the Senate in the last 2 years, and have not been through one of these rather heated debates, let us examine this picture for a moment, and see what will happen if the question of relevancy is raised, whether I may not avail myself of a rule of the Senate by raising the point that the amendment is legislation on an appropriation bill. That presents a rather peculiar picture, to say the least. Certainly, the right of any Senator to present the question of relevancy is no more sacred than the right under rule XVI to have presented, as I asked in the first instance, the question whether or not the amendment is general legislation on an appropriation bill.

SEVERAL SENATORS. Vote! Vote!

Mr. BONE. Mr. President, I have not yielded, and in view of the character of this debate, and the fact that it has touched a matter which has caused no end of discussion throughout the years, I shall ask for the yeas and nays on the question. We should all be willing to have a yea-and-nay vote.

The yeas and nays were ordered.

Mr. STEWART. Mr. President, I wish to propound a parliamentary inquiry. Did the senior Senator from Tennessee, on behalf of the committee, withdraw all the amendments pertaining to T. V. A. which were in the bill day before yesterday when the Senate adjourned, on the submission of the new amendments this morning?

The VICE PRESIDENT. The Senator did not withdraw all the amendments.

Mr. STEWART. In the committee print of the bill we still have amendments in addition to the ones which lie on the desks of Senators this morning. I had understood that all the amendments in the committee print of the bill as it lay on our desks day before yesterday were withdrawn.

The VICE PRESIDENT. They were first withdrawn.

Mr. STEWART. I do not understand how many amendments were withdrawn. I have been informed that there was only one T. V. A. amendment pending, that is, the one relating to covering into the Treasury the funds or receipts of the T. V. A.

The VICE PRESIDENT. That is all that is left now.

Mr. STEWART. If that is all that is left, what became of the others?

Mr. RUSSELL. Mr. President, I am a member of the Committee on Appropriations, and yesterday the committee authorized the acting chairman, the senior Senator from Tennessee [Mr. McKELLAR], to modify the committee amendment. The modification is in the form in which it now appears in the print, and the new print was made solely for the

purpose of apprising Senators as to what is now the issue.

Mr. STEWART. Then the amendments which appear in the bill as reported have been or will be withdrawn, and the new committee print will be substituted for all the original amendments. Is that correct?

Mr. RUSSELL. The committee amendment as modified by the committee reads in accordance with the print which has been prepared for the convenience of Senators. All other portions of the amendments were withdrawn, and the Senator from Tennessee was instructed to offer a modified amendment from the committee.

Mr. STEWART. Before the matter is voted upon, would it not be necessary to clarify the situation with respect to the pending amendment, the T. V. A. amendment? I had understood the Chair to say the amendments were not withdrawn. I am now told by one or two Senators around me that the amendments in the bill as reported by the committee were withdrawn this morning, and this new suggestion was offered by the committee as a substitute.

The VICE PRESIDENT. That is correct, but the new print does include some of the amendments which were formerly in the bill.

Mr. STEWART. Of course.

The VICE PRESIDENT. But the Chair understands they were all withdrawn, and this new print substituted.

Mr. STEWART. So the only T. V. A. amendments which are pending at all are the amendments which are in the committee print which was laid upon the desks of Senators this morning?

The VICE PRESIDENT. That is correct.

Mr. STEWART. Mr. President, let me make a further inquiry. The print which lies upon the desks of Senators is called a committee print, with the T. V. A. amendment, which was reported by my colleague, the acting chairman of the Committee on Appropriations. My parliamentary inquiry is, How can this amendment be reported as a committee print when the record of the Senate shows that the bill was not recommitted to the committee, but that it has been pending in the Senate all the time, and when the Senate recessed day before yesterday it was the pending business for today?

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. OVERTON. The committee print is not a report of the committee at all.

Mr. McKELLAR. Not at all.

Mr. OVERTON. It is simply on the desks of Senators.

Mr. McKELLAR. Yes; for the information of the Senate, so the Senate can understand what was done.

Mr. STEWART. It is not actually a committee report then?

Mr. OVERTON. What the committee did was to modify its own amendment; that is all.

Mr. STEWART. The committee modified its own amendment. So this is not, then, actually a committee report?

Mr. OVERTON. It is not a committee report. The acting chairman of the

committee, acting under the authority of the whole committee, has modified the committee amendment.

Mr. STEWART. Then, I submit to the Chair that the motion of the Senator from Washington [Mr. BONE] is entirely out of order under paragraph 2 of rule XVI, because that paragraph refers to reports of the Committee on Appropriations. What we are discussing is not a report of the Committee on Appropriations. It is something which has been brought up from the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. BARKLEY. That would not make it impossible to make a point against general legislation under paragraph 4.

Mr. STEWART. I want to know whether we are proceeding under paragraph 4 or paragraph 2 of rule XVI. Under paragraph 2 the whole bill should be recommitted to the committee if the Chair were to be sustained in his ruling. Is not what we have before us something which was offered on the floor of the Senate by an individual Senator, and not by way of a committee report?

The VICE PRESIDENT. The Senator from Washington [Mr. BONE] made the point in the first instance under paragraph 2.

Mr. STEWART. Under paragraph 2, as I understood.

The VICE PRESIDENT. And the point of the Senator from Tennessee is that he appropriately should have made the objection under paragraph 4. Is that correct?

Mr. STEWART. There are very decided differences between matters covered by the two paragraphs. The Record will show what the Senator from Washington stated, but I understood him to say that he made his point under paragraph 2, and the question was whether the bill would automatically go back to the committee.

Mr. BONE. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. BONE. I am not at all concerned with any principle wrapped up in this debate except that this proposition contains legislation which it is sought to tack onto an appropriation bill. I find language of prohibition in both paragraphs.

Mr. STEWART. But, if the Senator from Washington please, under paragraph 2 the whole bill would have to go back to the committee.

Mr. BONE. I am not concerned except with fitting the shoe to the right foot. I am objecting to legislation being tacked onto an appropriation bill. The Senate certainly can iron that question out without great difficulty.

Mr. STEWART. If objection is made under paragraph 2, objection lies to the whole bill.

Mr. BONE. I am objecting to the proposal brought in by the committee. I assumed the committee brought it in. It is marked "committee print."

Mr. STEWART. That is my understanding, and I did not see how the committee could do that.

Mr. GILLETTE. Mr. President, the yeas and nays have been ordered.

Mr. BONE. No ruling has as yet been made.

Mr. GILLETTE. The Senator from Iowa desires to submit a parliamentary inquiry. He is desirous of knowing what is the question before the Senate.

The VICE PRESIDENT. The question is, Shall the decision of the Chair overruling the point of order of the Senator from Maryland [Mr. TYDINGS] that the question of germaneness of the amendment should be submitted to the Senate stand as the judgment of the Senate?

Mr. GILLETTE. Mr. President, the Senator from Washington raised a point of order which the Chair sustained, as I understand.

The VICE PRESIDENT. No; the Chair made no decision on that point of order.

Mr. GILLETTE. The Chair has not ruled on the point of order made by the Senator from Washington?

The VICE PRESIDENT. No; the Chair has not ruled on that point.

Mr. GILLETTE. While that question was pending the Senator from Maryland [Mr. TYDINGS] made a point of order bringing up the question of relevancy. Has the Chair ruled on that?

The VICE PRESIDENT. Yes; the Chair has ruled on that.

Mr. McKELLAR. The Chair has ruled on that, and there has been an appeal taken, I will say to the Senator from Iowa.

Mr. GILLETTE. If the question of relevancy is raised, it has, under the rule, to be submitted without debate; yet we have been debating here for an hour.

Mr. McKELLAR. I should like to make a point of order to that effect.

The VICE PRESIDENT. The Chair ruled on that point on the basis, as stated repeatedly, that it was not the intent of the formulators of the rule to have the point of germaneness obviate bringing up the question of whether an amendment proposes general legislation to an appropriation measure, especially in the case where the point relating to general legislation on an appropriation measure was brought up first.

Mr. GILLETTE. The Chair refused to entertain the point of order raised by the Senator from Maryland?

The VICE PRESIDENT. The Chair overruled the point of order made by the Senator from Maryland [Mr. TYDINGS].

Mr. GILLETTE. The Chair overruled the point of order made by the Senator from Maryland?

The VICE PRESIDENT. Yes; the Chair overruled the point of order made by the Senator from Maryland, and then the Senator from Tennessee [Mr. McKELLAR] appealed from the ruling of the Chair.

Mr. HILL. Mr. President, I do not want to delay the vote, but I think one of the wisest observations made in this discussion was that made by the Senator from Ohio [Mr. BURTON], when he called attention to paragraph 2 of rule XVI, and stated that if the point of order were made against an amendment, and that point of order were sustained, it would not automatically, under paragraph 2 of

rule XVI, result in sending the bill back to the Appropriations Committee, because, as the Senator from Ohio called attention to, under paragraph 2 of rule XVI it is provided:

The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill—

Mr. President, note that, "against the bill"—

and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

In other words, if an amendment is brought to the Senate by the Senate Committee on Appropriations a point of order can be made against the whole bill. If the point of order is made against the whole bill and the point is sustained, then the whole bill goes back to the Committee on Appropriations. But under paragraph 4 a point of order can be made against the amendment, not against the bill, simply against the amendment, just as in the House of Representatives, if an amendment is offered and a part of it is out of order, a point of order can be made against the whole amendment, and if the point of order is sustained the whole amendment goes out; or a point of order can be made against only that part of the amendment which is out of order. In that case, if the point of order is sustained, only that part of the amendment which is out of order goes out.

All this discussion about paragraph 2 applying only to the Committee on Appropriations is true where the point of order is made against the whole bill, but where the point of order is made only to an amendment, it applies to an amendment whether it comes from the Committee on Appropriations or comes from an individual Senator on the floor.

Mr. CHANDLER. There is no doubt about it.

Mr. HILL. That is the way the rule reads. It reads exactly as the Senator from Ohio stated it. So I do not think the Senate ought to have the idea, and I do not think it is the intent of the rule, that if an amendment is held to be out of order the whole bill must go back to the committee. If the point of order is made against the bill, and that point of order is sustained, then the bill, under paragraph 2 of the rule, would go back to the Appropriations Committee.

Mr. CHANDLER. Mr. President, may I ask the Senator a question?

Mr. HILL. Yes.

Mr. CHANDLER. If I correctly understood the Chair a moment ago, he said he entertained the question of germaneness raised by the Senator from Maryland. If the Chair did so, was he not bound under paragraph 4 of rule XVI to submit the matter to the Senate? The Chair has just said that he overruled that point, and that an appeal was taken from his ruling. Under the rules of the Senate is the Chair not bound to submit that question to the Senate?

Mr. HILL. Yes; but I think the Chair is absolutely right in holding that

the first question to be determined is whether or not the matter in question is legislation. Then if it is found that the matter in question is in order, the question rises as to whether it is germane. When the question of germaneness is raised, under the rule that is a question not for the Chair to decide but for the Senate to decide.

Mr. CHANDLER. Mr. President, will my friend hear me for just a moment?

Mr. HILL. I yield.

Mr. CHANDLER. If the Chair entertains the motion of the Senator from Maryland, under the rule he must submit the question to the Senate. The Chair has entertained it, and then he has not entertained it, because he did not submit it to the Senate as the rule requires. The Chair is apparently acting with respect to the attack made by my friend the Senator from Washington [Mr. BONE], which is not addressed to the bill but to a committee amendment.

Mr. HILL. That is correct.

Mr. CHANDLER. So you are getting the advantage of it in both ways, without giving the Senate the right to pass on it in either case.

Mr. HILL. No. If a point of order is made against the amendment on the ground that it is general legislation, without regard to how the Chair might rule on that point of order, any Senator would have a right to appeal from the ruling of the Chair, and that would give the Senate the right to pass on the point of order. The Senate cannot be denied its right to pass on any point of order if a Senator wishes to appeal from the decision of the Chair. On any decision the Senate has a right to appeal from the decision of the Chair.

Mr. CHANDLER. What is the Senator's understanding of the point of order raised by the Senator from Washington?

Mr. HILL. The point of order raised by the Senator from Washington was that the amendment was legislation on an appropriation bill and, therefore, under the rule was not in order.

Mr. CHANDLER. What was the procedure in connection with the point of order? First the Senator from Washington [Mr. BONE] made the point of order that the amendment was general legislation on an appropriation bill, in violation of paragraph 2 of rule XVI. Before the Chair ruled on that point of order, the Senator from Tennessee [Mr. McKELLAR] made the point of order that, under paragraph 4 of rule XVI, the amendment was germane. Subsequently, the Senator from Maryland [Mr. TYDINGS] made the point of order that the amendment was germane, and stated that it was the duty of the Chair to submit the question to the Senate, to be decided without debate. The Chair then overruled the point of order raised by the Senator from Maryland, and from that ruling the Senator from Tennessee [Mr. McKELLAR] appealed. Then the Chair went a little further, and said he entertained a point of order under paragraph 4 of rule XVI. But the Chair did not submit the question on the point of order to the Senate. The Chair overruled it.

Mr. HILL. The Chair did not submit it to the Senate because it had not

reached that stage. As I understand the matter, the first question is whether the amendment is legislation. If the decision is that the amendment is in order, as legislation, the next question is whether it is germane.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LA FOLLETTE. If I understood the most recent statement by the President of the Senate, it seems clear to me that the ruling is erroneous, because obviously the Chair has no right, under the specific injunction of the rule, to overrule a point of order with regard to germaneness. The rule is specific and mandatory and requires the Chair to submit that question to the Senate. I would not question the right of the Chair—I do not wish to take much of the time of the Senator from Alabama—

Mr. HILL. I am glad to have the Senator proceed.

Mr. LA FOLLETTE. I would not question the right of the Chair to determine whether he would entertain a point of order when another is pending. That raises an entirely different issue.

But if, as the Chair most recently stated, the Chair had overruled the point of order of germaneness, as made by the Senator from Maryland, and if the Senator from Tennessee had appealed from that decision, if question then should arise as to whether the decision of the Chair should stand as the decision of the Senate, it seems to me the rule is clear that the Chair has no power to overrule a point of order on germaneness or relevancy.

I understood, in all the confusion and discussion, that the position of the Chair, as stated, other than in the Chair's ruling, was that the Chair felt that the point of order made by the Senator from Washington could not be or should not be displaced by a subsequent point of order concerning germaneness. That question is entirely different from the one most recently stated by the Chair, namely, that the Chair had overruled the point of order relative to germaneness made by the Senator from Maryland, and that the appeal would come on that basis, because it seems to me the rule is clear that the Chair has no right to rule on the question of germaneness or relevancy.

Mr. CLARK of Missouri. Mr. President, it seems to me that the question presented by the appeal is the very simple one of whether the Chair, even the Vice President of the United States, the constitutional Presiding Officer of the Senate, has a right to disregard the rules of the Senate. The question presented, as I understand it, by the appeal is the question whether the Chair is required by the rules of the Senate to submit the question of germaneness to a vote of the Senate. The latest decision of the Chair is, not that the Chair was not required to submit it at this time because of the pendency of a point of order made by the Senator from Washington, but that the Chair had entertained the point of order of the Senator from Maryland, and had overruled it.

Mr. President, I insist that under the plain language of paragraph 4 of rule XVI, the Chair is prohibited from undertaking to pass on the question of germaneness, either to overrule or to sustain the point of order on the question of germaneness. I insist, Mr. President, that the question on appeal should be the question whether the Chair is required to submit a point of order on the question of germaneness, under rule XVI, and that if the Chair is overruled on that contention, the question of germaneness then should be submitted to the Senate. Because there are some Senators, probably many Senators, who certainly do not desire to sustain such an arbitrary decision on the part of the Chair, namely, a decision by which the Chair assumed to overrule a point of order on the question of germaneness, who might, on the vote on the question on the merits of the matter of germaneness, consider that the amendment was not germane, and that therefore the point of order of the Senator from Maryland was well taken.

But it seems to me that the Senate is entitled to vote first on the question whether the Chair is required to submit the question to the Senate; and that if the Chair is overruled on that question, the next question is that of germaneness.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum, so that sufficient Senators will be present when a vote is taken on this question.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Eastland	Reed
Andrews	George	Revercomb
Austin	Gerry	Robertson
Bailey	Gillette	Russell
Ball	Hawkes	Shipstead
Bankhead	Hayden	Smith
Barkley	Hill	Stewart
Bone	Holman	Thomas, Idaho
Brewster	Johnson, Colo.	Tunnell
Bridges	La Follette	Tydings
Buck	Langer	Vandenberg
Burton	McCarran	Wagner
Bushfield	McClellan	Walsh, Mass.
Butler	McFarland	Weeks
Byrd	McKellar	Wheeler
Capper	Maloney	Wherry
Chandler	Maybank	White
Clark, Mo.	Mead	Wiley
Connally	Millikin	Willis
Danaher	O'Mahoney	Wilson
Davis	Overton	
Downey	Radcliffe	

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

The Chair wishes to state, because some Senators who were not previously in the Chamber may now have entered—

Mr. BONE. Mr. President, will the Chair state the effect of a yea-and-nay vote on the pending question?

The VICE PRESIDENT. Because this is a matter which may have some importance for the future of the Senate, and because the question may arise on many occasions in the future, the Chair feels that the Senate should have the full background of the point at issue.

There have been several precedents with regard to the matter. The Chair has been disturbed as to the precedents. The one which the Chair read earlier had to do with an amendment relating to the Rural Electrification Administration. The Senator from Nebraska, Mr. NORRIS, said:

Mr. President, no question of germaneness has been raised. The point is that the amendment is general legislation on an appropriation bill.

The Presiding Officer then proceeded, at the suggestion of the Senator from Georgia [Mr. RUSSELL], and stated that the proviso was germane, and the point was never passed upon as to whether or not the amendment was general legislation.

The Chair felt that that was incorrect. He felt that that was not the intent of those who originally wrote rule XVI in its entirety.

The point was then made by the Senator from Maryland [Mr. TYDINGS] that the section was not germane. The Chair ruled on that point. The Chair did not intend to rule that the Senate did not have a right to pass on the germaneness in general, but intended to rule that the Senate did not have the right to pass upon the question of germaneness at that time, because of the fact that the Senator from Washington [Mr. BONE] had already raised the issue that the amendment was general legislation in a general appropriation bill. The Chair definitely felt that the Senate should not be estopped from a decision on that point, because of the question of germaneness having subsequently been raised.

The Chair should have ruled—though in the haste of the moment he did not so rule—that the objection made by the Senator from Maryland at that time was out of order. That was the intention of the Chair. At that time the objection was out of order. In view of the fact that the yeas and nays have been ordered on the question previously stated, the Chair does not know whether the Senate would entertain a change in the ruling to that effect—that at that time the motion was out of order. It will be shown by the statements surrounding the issue that that definitely was the intention of the Chair. However, the statement, as boiled down by the Parliamentarian, did not have that in it. It should have been in it.

The Chair will now state the intent of the ruling of the Chair:

It is the ruling of the Chair that the point of order of the Senator from Maryland [Mr. TYDINGS] that the question of germaneness of the amendment should be submitted to the Senate was out of order at that time.

The question is, Shall the ruling of the Chair stand as the judgment of the Senate? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative when his name was called.

Mr. BONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The clerk has already started the calling of the roll.

Mr. AIKEN. Mr. President, is a vote "yea" a vote to sustain the Chair?

The VICE PRESIDENT. A vote "yea" is a vote to sustain the Chair.

Mr. HAYDEN (when his name was called). I have a general pair with the Senator from North Dakota [Mr. NYE]. Not knowing how he would vote, I withhold my vote.

Mr. STEWART. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Is there objection?

Mr. WHITE. Mr. President, I understood that once before the calling of the roll was interrupted, or almost interrupted. I think we should adhere to the rule, and not permit interruptions.

The VICE PRESIDENT. Objection is heard.

Mr. STEWART. Mr. President, I merely wish to say that I desire information to advise me how to vote on this question.

Mr. CLARK of Missouri. I will give the Senator advice. Vote "nay."

Mr. STEWART. Mr. President, may I ask the Senator from Maine to withdraw his objection?

The VICE PRESIDENT. Does the Senator from Maine accede to the request of the Senator from Tennessee?

Mr. WHITE. I thought the matter was disposed of.

Mr. STEWART. I merely wish to propound a parliamentary inquiry for my own information, for the purpose of aiding me in casting my vote.

Mr. VANDENBERG. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. The clerk will resume the calling of the roll.

The legislative clerk resumed and concluded the calling of the roll.

Mr. BRIDGES (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from Illinois [Mr. BROOKS], who if present would vote "nay," and allow my vote to stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Idaho [Mr. CLARK], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent.

The Senator from Indiana [Mr. JACKSON] is absent on official business.

The Senator from Utah [Mr. THOMAS] is detained in one of the Government departments on matters pertaining to the State of Utah.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present he would vote "nay."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee.

The result was announced—yeas 17, nays 46, as follows:

YEAS—17

Aiken	Burton	Langer
Austin	Butler	Mead
Ball	Danaher	O'Mahoney
Bankhead	Downey	Tunnell
Barkley	Gillette	Wagner
Bone	Hill	

NAYS—46

Andrews	Holman	Shipstead
Bailey	Johnson, Colo.	Smith
Brewster	La Follette	Stewart
Bridges	McCarran	Thomas, Idaho
Buck	McClellan	Tydings
Bushfield	McFarland	Vandenberg
Byrd	McKellar	Walsh, Mass.
Capper	Maloney	Weeks
Chandler	Maybank	Wheeler
Clark, Mo.	Millikin	Wherry
Connally	Overton	White
Davis	Radcliffe	Wiley
Eastland	Reed	Willis
George	Revercomb	Wilson
Gerry	Robertson	
Hawkes	Russell	

NOT VOTING—33

Bilbo	Gurney	O'Daniel
Brooks	Hatch	Pepper
Caraway	Hayden	Reynolds
Chavez	Jackson	Scrugham
Clark, Idaho	Johnson, Calif.	Taft
Cordon	Kilgore	Thomas, Okla.
Ellender	Lucas	Thomas, Utah
Ferguson	Moore	Tobey
Glass	Murdoch	Truman
Green	Murray	Wallgren
Guffey	Nye	Walsh, N. J.

So the Senate refused to sustain the ruling of the Chair.

The VICE PRESIDENT. The Chair submits to the Senate the question, Is the amendment germane? (Putting the question:) The yeas have it, and the amendment is ruled to be germane.

The question now is on agreeing to the amendment.

Mr. HILL. Mr. President, I rise in opposition to the committee amendment, which as the Senate knows, requires the Tennessee Valley Authority to turn all its receipts quarterly into the Treasury, and then an appropriation has to be made to provide money for the Tennessee Valley Authority.

Mr. President, the language in the bill as it passed the House, as well as the language which has appeared in appropriation bills for the past 9 years making appropriations for the Tennessee Valley Authority, sets up a special T. V. A. fund in the Treasury Department. Under that language, for the past 9 years all receipts of the Tennessee Valley Authority have been paid into the special fund in the Treasury. Not one dollar has been drawn out of that fund by the Tennessee Valley Authority except as the money has been appropriated out of that fund by the Congress of the United States for the Tennessee Valley Authority.

Under language carried in the bill today, as well as the language carried in the bills during the last 9 years, Congress has specifically appropriated the receipts turned by the Authority into the Tennessee Valley Authority fund for the fiscal year, so that having turned all its receipts into the Treasury, it had a right to draw on and pay out those funds. However, I wish to emphasize that not one dollar can be drawn out except when it has been expressly appropriated by the Congress.

What Congress has done in the past has been to provide that the receipts for a particular fiscal year could be drawn out of that fund. That is the way the language carried in the bill as it passed the House reads. It gives to the Tennessee Valley Authority the right to make use of the receipts which it takes in during a given fiscal year. In fact, in the bill providing funds for the Tennessee Valley Authority for the last fiscal year, and for the coming fiscal year, as carried in the House language, no new funds have been provided for the Tennessee Valley Authority. What the Congress did was to make these funds available to the Tennessee Valley Authority, and also make available to the Authority any unexpended balance which might be left in the Tennessee Valley Authority fund at the end of the fiscal year, June 30.

Under such procedure the Tennessee Valley Authority for the past 9 years has gone before the Bureau of the Budget and submitted its estimates, just as all other departments of the Government go before the Bureau of the Budget and submit their estimates.

I have before me the estimates of the Tennessee Valley Authority for the coming fiscal year, ending June 30, 1945. An examination of the estimates shows that the Tennessee Valley Authority has submitted its estimates in the same detailed manner as was done by other agencies and departments of the Government.

Under the law the Tennessee Valley Authority each year makes its annual report. I have before me the last annual

report, for 1943. The report contains some 323 pages, and an examination of it shows how detailed it is. The report goes into detail concerning all the operations of the Tennessee Valley Authority, and gives all details concerning the expenditure of its funds.

The Tennessee Valley Authority has to go before the House Committee on Appropriations in exactly the same way as all other Government agencies which expend Government funds go before that committee. The T. V. A. submits to that committee in detail its estimates, and its break-down of the money which it needs and expects to expend. The Tennessee Valley Authority is subjected to examination and investigation by the House Appropriations Committee, just as all other agencies of the Government are subjected to similar examination and investigation.

When the appropriation bill comes to the Senate, the Tennessee Valley Authority goes before the Senate Committee on Appropriations. There, before that committee, it is subjected to the same examination and to the same investigation, so far as its funds are concerned, and so far as its receipts and expenditures are concerned, to which every other agency of the Government is subjected.

In other words, the Tennessee Valley Authority by Budget estimates, by its annual report, by its appearance before both the House committee and the Senate committee makes the same statement to the Congress with reference to its expenditures that every other agency of the Government has to make.

Mr. President, the money comes out of the Treasury only through appropriations by the Congress. What, then, is the issue in dispute here? The question is whether the Tennessee Valley Authority should put its funds into the Treasury and have the Congress appropriate those funds as they are received, so that the Tennessee Valley Authority may use them when they come in, or whether the Tennessee Valley Authority shall have all its funds deposited in the Treasury, to remain there and then come to the Congress and have the Congress appropriate money out of the Treasury for the expenses and the needs of the Tennessee Valley Authority. By being allowed, as the Authority has been allowed to do for the past 10 years, to use these funds through the appropriation by the Congress the Tennessee Valley Authority has more flexibility, has greater leeway to meet emergencies and meet unexpected situations which may arise during a fiscal year than if specific and definite appropriations were made by the Congress months ahead of the time when the emergencies or the unexpected needs might arise.

During the period from September 1939 to December 1941, that very critical period in the life of our country, when it became so imperative for us to build up our defenses, to increase our war production and when it became so necessary to develop as much electric power as possible, the Tennessee Valley Authority was able to produce 2,000,000,000 kilowatt-hours of power in excess of its contract commitments. It was able to produce

that much needed additional power because of efficient management, but more particularly because it was not tied down too tightly to specific amounts that had been appropriated months before the need for the additional power arose, and because it was allowed to use its receipts, which provided the Authority with sufficient money to enable it to go ahead and produce the additional power to meet this urgent need.

Mr. President, on January 13 last Mr. Donald Nelson, Chairman of the War Production Board, wrote a letter to the Hon. Harold D. Smith, Director of the Bureau of the Budget, as follows:

As you know, the War Production Board has recently found it necessary to stop work on certain electric-generating projects of the Department of the Interior, the Tennessee Valley Authority, and the War Department.

That work was stopped on account of the need for critical materials on more urgent projects.

All of these projects—

Mr. Nelson continues:

All of these projects had been authorized by the Congress and appropriations had been made for them.

Major new electric projects are among the chief competitors with our most urgent and important war program, such as rubber, aviation, gasoline, heavy bombers, warships, merchant ships, ammunition, and lend-lease. Because of the exceedingly tight situation as to critical materials, manufacturing facilities, and manpower for such programs, it has been necessary for us to operate and plan on the basis of close margins in the electric field.

In consequence, if changing conditions at any time during the next 6 months should dictate expansion of our existing power program, it would be necessary to reinstate some of the halted Federal projects on very short notice. In that event, any delay in resuming work might prevent completion of the project in time to meet power requirements in the area affected. We have planned our power program with a high degree of flexibility so that we shall be able to meet all contingencies, provided only that the operating Government agencies which we count upon to provide expansion will themselves be in a position to act with promptness.

In order that we may be prepared for quick action, as circumstances may require, I should like to enlist the cooperation of the Bureau of the Budget in measures to make funds available to the Government power agencies so that the moment the War Production Board decides that any particular project must be reinstated the money for that purpose will be immediately available. Until just before the decision to reinstate any project it is impossible to specify the projects or the total capacity which it might be necessary to have. However, on the basis of present outlook, there is a possibility that at some time prior to the end of this fiscal year we should want to reinstate as much as several hundred thousand kilowatts of capacity for the Department of the Interior, several hundred thousand for the Tennessee Valley Authority, and a substantial although lesser amount for the War Department, all to be selected from among the projects recently halted.

I shall greatly appreciate your advice as to what steps are necessary to be prepared, from the budgetary standpoint, for such a program. We shall, of course, be glad to go over this matter with you in detail, and, if desirable, I shall be glad to present to the appropriate committees of the Congress the urgent necessity for the measures I am recommending.

I am sending a copy of this letter to the Secretary of War, the Secretary of the Interior, and the Chairman of the Tennessee Valley Authority.

Sincerely yours,

DONALD M. NELSON.

In other words, Mr. Donald Nelson, who is responsible for the war production of this country, who is responsible for getting the guns, the ships, the planes, and the equipment to our boys in all the many different theaters of the battle line, told Mr. Smith, the Director of the Bureau of the Budget, that additional power might be needed from the Tennessee Valley Authority, and advised Mr. Smith to make sure that there was sufficient flexibility so far as the funds of the Tennessee Valley Authority were concerned so that they could when and if needed step up their power production.

In that connection let me read a telegram which I received only this morning from Decatur, Ala., which is in the Tennessee Valley Authority area. The telegram, which is addressed to me, reads:

Let me give you an illustration of the danger to war industry in the six States served by T. V. A. If the Congress must pass on all expenditures. At the present time Goodyear Decatur Mills has called for 7,000 horsepower needed to produce rayon tire fabric, No. 1 on the critical material list of the armed forces. This means T. V. A. must spend \$40,000 immediately to make that power available within a month or two. Further, war plants at Decatur have increased power requirements so rapidly and so heavily that our central substation transformers must be changed to larger ones before hot weather. If they are not changed the present transformers will burn up this summer and cause interruption to power for the entire city for at least 2 days at the minimum. These transformers may not be on hand and will have to be purchased. They will cost approximately \$50,000. All these things cannot always be foreseen.

Multiply this illustration in hundreds of communities and cities in the six States depending upon T. V. A. for power and you will understand readily why T. V. A. must have flexibility in handling of funds.

The telegram is signed by Mr. Barrett C. Shelton, representing the people of the 13 north Alabama counties in the T. V. A. area.

Mr. President, those are merely small illustrations of the fact that months in advance neither Congress nor anyone else can determine exactly what the need will be for expenditures in the operation of a great power system such as the Tennessee Valley Authority.

If the Tennessee Valley Authority is to be operated on an efficient, businesslike basis, and if it is to be allowed to meet the changing and compelling needs of war, it must have flexibility with reference to the expenditure of its funds, it must be able to make expenditures the need for which no person could foresee months in advance. There could be no better illustration than that provided by the telegram of what the situation will be if the Congress undertakes ahead of time to say in detail just what these expenditures shall be.

The very history of the bill now before the Senate shows how impossible it is even for the Senate Committee on Appropriations to know about the details of

the management and operation of the Tennessee Valley Authority. The distinguished acting chairman of the Senate Committee on Appropriations, the Senator from Tennessee [Mr. McKellar], first offered a number of amendments to the bill in the subcommittee. Under those amendments, the fertilizer program of the Tennessee Valley Authority would have been absolutely destroyed, the power program of the Tennessee Valley Authority would have been seriously impaired. The Tennessee Valley Authority in its operations would have been literally gutted.

Then the Senator from Tennessee, realizing that many of those amendments were not practical, that the Tennessee Valley Authority could not operate efficiently, on a businesslike basis, with such amendments in the law, himself agreed to the withdrawal of some of them.

The bill as reported to the Senate contained other amendments, limitations on expenditures, fixed expenditures, where the expenditures would have to be made months ahead of time. After the bill was reported with those amendments, the acting chairman of the committee, the Senator from Tennessee, who was the author of the amendments, on his own motion took the amendments back to the Committee on Appropriations, and asked for authority to withdraw some 16 of them, showing that he realized how impractical were the amendments, how harmful they would be to the Tennessee Valley Authority, and that the Congress of the United States could not under any circumstances be justified in adopting them.

Even now, Mr. President, as we find the bill before us, it does not make sufficient appropriations to carry on even the work and the projects which the committee itself has approved. If the bill shall pass appropriating what it now provides, the Tennessee Valley Authority will lack some \$30,000,000 necessary to meet obligations and commitments now outstanding against the Authority, and to carry out the program as approved by the committee for the next fiscal year.

Mr. BONE. Mr. President—

The PRESIDING OFFICER (Mr. RADCLIFFE in the chair). Does the Senator from Alabama yield to the Senator from Washington?

Mr. HILL. I yield.

Mr. BONE. Mr. President, I should like very much to secure from the Vice President, as Presiding Officer, a decision on the status of my point of order, which did not go to the question of relevancy but to the question of the amendment being legislation on an appropriation bill. It is conceivable, I suspect, even as a question of pure law, that a proposal in a bill might be relevant, and still constitute legislation on an appropriation bill.

I do not seek to prolong the discussion; I should merely like to have a decision of the Chair on that matter, and then I can let it rest. I should like to know the status of the point I submitted. It is smothered up now and forgotten, and no one knows anything about it. I confess I do not know its status, and I think that in order to bring to

repose the issues which were threshed out today, the question should be decided.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the point was made by the Senator from Washington.

Mr. BONE. I raise the question now, while the Vice President is in the Chamber, and I think we can bring this matter to repose here promptly, if the Vice President will take the chair and decide that my point no longer exists. I raised the point of order that the amendment was legislation on an appropriation bill, and that matter has not yet been disposed of. I should like to know whether it is still pending, because I intend to present it again, if it is within the rules for me to do so.

The question was raised in the discussion here this morning that, by the process we employed here today, the Senate would not be permitted to pass on the point of order I raised. That does not outrage my feelings; I am merely curious to know the status of a suggestion of that kind from a Member of the Senate, if it is raised against an amendment in an appropriation bill, that it is general legislation. I want the point decided.

I suggest the matter to the Chair, and ask the Vice President, as Presiding Officer, to decide the status of my point of order against the pending amendment.

I am sorry if I have interrupted the Senator from Alabama. I hope he will forgive me, but I was fearful that I would not be able to reach this matter while the Vice President was present if I did not do so at this time.

The VICE PRESIDENT. The Chair observes that, under the precedents, whenever the Senate has ruled that a particular amendment is germane, the Senate thereupon has concluded, either directly or indirectly, that the question of whether or not it is general legislation in an appropriation bill does not arise.

The Chair is not aware of the basis on which that conclusion was arrived at, but that does happen to be the precedent, and in view of the tendency of the Senate always to rule on the merits of the instant case rather than on the merits of the Senate rules, the Chair, in view of the recent happenings, does not care to open the matter again and have the Senate operate upon him again in the same way. [Laughter.]

Mr. HILL. Mr. President, if the committee amendment shall be adopted and the T. V. A. denied the use of its receipts, and if it has to depend upon the sum of \$79,134,882, carried in the bill, then the T. V. A. will find itself in the position of having obligations outstanding as of June 30, 1944, estimated to total approximately \$30,000,000, and with no funds with which to meet those obligations. The T. V. A. will begin the fiscal year with \$30,000,000 of obligations without a dollar with which to meet them. It will find itself without a reserve fund of some \$8,500,000 to be used to complete construction of the Watauga and the Holston Dams and for the construction of the phosphorus plant at Mobile, Ala., if the War Production Board shall say that its construction should go forward for war purposes.

It will also find itself without any funds, so far as possible expansion of power facilities for war purposes requiring additional expenditures beyond estimates for operations of steam plants, and purchase of energy from neighboring systems. Under the language now in the bill, without the committee amendments, we know that such expenditures would be met by increased revenues. If we are to meet the obligations which the Tennessee Valley Authority will owe on the 1st of July, obligations to private citizens, to taxpayers of the United States, we will be \$30,000,000 short of the funds necessary to carry out the program of operations for the Tennessee Valley Authority as approved by the Senate Committee on Appropriations.

What I am wondering is what the Senate Committee on Appropriations has in mind? Does the committee mean that the Tennessee Valley Authority shall not meet its obligations, that it shall not pay its debts? Does it mean that it shall not construct the necessary transmission lines, so that the new power which will come into being at the great Fontana Dam and at the great Kentucky Dam may not flow into the Tennessee Valley power system? Does it mean that the other construction now going on which will develop more power for war production, and produce increased returns to the T. V. A., and to the Treasury, shall be stopped? Does it mean that the fertilizer program shall be discontinued so that there may be a saving in that respect of some \$4,000,000 to be paid on these commitments? I am wondering just what the Senate Committee on Appropriations has in mind in not making provision for at least these obligations involving some \$30,000,000. If those obligations are not met, if the money is not provided to meet them, it would make it impossible to pay vendors and constructors for materials and supplies such as cement, coal, coke, lumber, steel transmission towers, services rendered under war relocation contracts, or bridge construction contracts, or to meet unpaid bills for freight, express and passenger fares.

Furthermore, Mr. President, contractors would presumably be asked to forego refundable deposits in the nature of performance bonds which they have placed with the T. V. A. These unpaid obligations will amount to some \$10,000,000 alone on June 30, 1944. The contractors who have put up money as performance bonds, when they have carried out their contracts, are entitled to have their money returned to them; and yet under the appropriations provided by the Committee on Appropriations, no money will be available to refund this money, that is, unless certain operations which the committee has approved for the next fiscal year are not to be carried out.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HILL. I yield.

Mr. TYDINGS. The Senator is perfectly justified in showing his concern for the proper functioning and, I may say, the proper development and proper

financing of all the T. V. A. activities, and it is to that phase of the matter I understand he is directing his remarks?

Mr. HILL. I am.

Mr. TYDINGS. I believe the Senator would be well advised if he would assume that whenever the T. V. A. comes before the Appropriations Committees of the House and Senate and shows that it needs funds for any particular purpose the Congress will appropriate the funds so that there will be no hiatus between performance of work, or the proper development, and the payment for it. I can appreciate that the Senator wants to make that as certain as possible, but the committee, by taking this action, does not intend that there shall be no money on which the T. V. A. may operate. What the committee wants to be certain of, however, is that when money is needed the Congress shall authorize it so that some check may be kept on the operations.

Mr. HILL. I will say to the Senator that the money is needed now, and yet the committee has failed to provide the money. I wish to say to the Senator that I believe he does not have any more faith in the committees of the House and the Senate than I have, but the committees of the House and the Senate simply cannot operate a great power system 500 miles away from their committee rooms.

Mr. TYDINGS. The Senator is correct, and the committees are not going to attempt to operate the system. What the Senate committee wants is to have the T. V. A. make known to the committee how much it needs for current operations each year, how much it needs for developments so that we, who are the parent of it all, may help develop whatever there is to be developed there in unison, and not have an unchecked operation. If that organization is entitled to or needs money now in addition to any money it may have available, all it has to do is to come before the Appropriations Committee of the House and the Senate and make out a case. It can do that in 30 days; it can do it in 60 days; and if the proposition has merit I shall be glad to help the Senator to see that sufficient funds are provided.

Mr. HILL. Mr. President, the trouble is that the Tennessee Valley Authority has just been before the committee and has just made out its case, and yet it has not been given the funds needed to meet the obligations and carry out the program as approved by the committee.

Mr. TYDINGS. If the Senator will allow me, I should venture this interpretation: As I understand, the law gives authority to the T. V. A. to take out of revenues such sums as necessary to maintain the plants, and make replacements, and so forth.

Mr. HILL. I will say to the Senator that all I am fighting for is that right which the law gives the T. V. A., but under the committee amendment that right is taken away from it.

Mr. TYDINGS. I do not so interpret it.

Mr. McKELLAR. Not at all.

Mr. HILL. Will the Senator from Maryland say why he does not so interpret it?

Mr. TYDINGS. Let me say before we leave that point that I have talked with other Senators whose States are directly affected by the proposed action, Senators from States in which some of the operations of the T. V. A. are now taking place, and certainly those Senators would not want to favor legislation which would cripple the proper functioning of the plant, and they assure me—and they have studied the law well—that there is ample authority in the existing law for repairs and replacements of transformers, lines, and general operations, without coming back to Congress.

Mr. HILL. The Senator is exactly correct, that that right exists in existing law. That is why I oppose the suggested amendment. The Senator is a good lawyer, and if he will read the amendment, he will see that under it the Tennessee Valley Authority cannot spend one red copper cent out of its receipts, no matter how urgent the need may be. No matter how great the emergency may be, how compelling it may be, they cannot use their receipts. The Senator is a good lawyer. I am glad he raised the question. I read from the committee amendment, page 2, line 15:

And all the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1945 and subsequent fiscal years, shall be covered quarterly into the general fund of the Treasury of the United States.

So the T. V. A. would be required to put all its funds into the Treasury and would not be allowed to expend any of them.

Mr. TYDINGS. I do not interpret the provision in that way at all.

Mr. HILL. The Senator is a far better lawyer than is the Senator from Alabama. If that is not what the language of the proposed amendment states I want the Senator to tell me what it states.

Mr. TYDINGS. Let us narrow the issue first of all to see what is in dispute. Does the Senator mean to say that the Tennessee Valley Authority must instantly turn over to the United States Government every cent it takes in?

Mr. HILL. No; I do not mean that.

Mr. TYDINGS. Then we have eliminated that part of it. Then under the Senator's interpretation how much can the T. V. A. retain of its receipts?

Mr. HILL. Not a single penny. The language says that all receipts must be turned in quarterly. That means at the end of 90 days every dollar that is coming in must go into the Treasury. So that if every dollar and every penny must go into the Treasury at the end of 90 days, the T. V. A. cannot spend the money, because if it spent it it would be violating the law which says it must turn it in to the Treasury.

Mr. TYDINGS. Then, the Senator's position is that, of all the money which comes into the T. V. A., not a single penny at any time can be kept by the T. V. A. to pay its expenses; is that correct?

Mr. HILL. So far as receipts are concerned.

Mr. TYDINGS. I say, of all the money.

Mr. HILL. That is correct. But I wish to be frank. I say to the Senator

that from all the receipts which come in from the sale of power, fertilizer, or from any other source, if the proposed amendment is agreed to by the Senate and by the House, and becomes the law of the land, the T. V. A. will not be able to spend a single penny out of its receipts.

Mr. TYDINGS. Of course, I do not agree with the Senator.

Mr. HILL. Why not?

Mr. TYDINGS. To confine it a little further, let us suppose that the amendment becomes part of the law, and let us assume that the employees of the T. V. A. are paid twice a month. Does the Senator believe that after the law is signed, no one working for the T. V. A. will receive any pay—

Mr. HILL. No; I would not say that.

Mr. TYDINGS. Why not?

Mr. HILL. Because if Congress had appropriated the money with which the T. V. A. was to pay salaries, it could pay them, but the employees of the T. V. A. could not receive any pay out of the receipts.

Mr. TYDINGS. In this very bill, the appropriation figure is "\$79,134,882."

Mr. HILL. That is an appropriation which, I say, is, at a minimum, \$30,000,000 short of meeting the commitments of the T. V. A. and of meeting the program which the Senate Committee on Appropriations has approved for the next fiscal year.

Mr. TYDINGS. But the point I make is, Will not the T. V. A. have \$79,134,882 in its treasury, to use for its expenses?

Mr. HILL. The Senator is correct as to that. The T. V. A. would have the \$79,000,000.

Mr. TYDINGS. Yes; and that \$79,000,000 is nothing more than a reappropriation of the receipts turned in and handed back to the T. V. A. for a specific purpose.

Mr. HILL. Of course. But there is a vast difference, I say to the Senator. That makes the T. V. A. absolutely dependent, in respect to the expenditure of every penny, on a direct, specific appropriation. That is where the issue arises, and that is what I am opposed to. I think the T. V. A. should have a certain amount of flexibility in order to meet emergencies, to meet unexpected situations brought about either by war or weather or other causes, by using its receipts. Under the amendment, although its transactions will be checked by the Comptroller General, and will also be subject to a private commercial audit, yet it will have to go before the Bureau of the Budget, it will have to make its annual report to Congress, it will have to go before the House Committee on Appropriations and the Senate Committee on Appropriations, and then the appropriation bills will have to be threshed out on the floor of the House and on the floor of the Senate.

Mr. TYDINGS. I wish to say I am not quarreling with the Senator's general position—

Mr. HILL. Mr. President, if the Senator is not quarreling with my position, I hope he will vote with me.

Mr. TYDINGS. If the Senator will permit me to complete my statement, I was saying that I am not quarreling with

the Senator's general position, but with his specific position. If the Senator will permit me to explain, I shall do so.

We are coming to the time when we shall have a national debt of \$300,000,000,000, which is \$8,500 for every family in America, rich or poor, black or white. However, that is only the national debt. There are the State, city, and county debts, and there are also the private debts. Already the burden of taxation is far inadequate to supply the funds necessary to keep the debt down.

Here is an agency for which Congress has appropriated nearly \$800,000,000. Does not the Senator feel that the time has now come when the Congress should look into the operations of that agency, and should take back into the Treasury such part of its receipts as the Congress may deem wise to take back, leaving the remaining part of its receipts to be spent by the T. V. A., under congressional approval? That is my specific objection.

I do not feel that in time of war we can afford to drive up still higher a \$300,000,000,000 debt, without saving out of the T. V. A. and all other agencies in America every reasonable dollar which present wartime conditions will permit us to save.

Mr. HILL. I say to the Senator that I share his concern for economy; but when we fail to give to the T. V. A. the necessary flexibility so that it can meet the wartime production needs, and so that it can take care of unexpected and emergency situations, we do not practice economy. We reduce the revenues; we waste power which is available; and, instead of running the power system on an efficient, economical, businesslike basis, we run it on a wasteful, inefficient, unbusinesslike basis.

Mr. TYDINGS. I agree that it would be idle to cut the T. V. A.'s funds to the point where the T. V. A. could not operate, with the result of diminishing returns, rather than full returns. But I do not believe that will be the case in this matter. Let me say to the Senator that if one is to be in favor of economy, he must be in favor of economy, and the "but" must be there with a small "b," not a capital "B." Otherwise, all the talk is just so much chatter, and produces no economy at all.

Mr. HILL. I thoroughly agree with the Senator. But we reach the point of diminishing returns, where the so-called economy is not economy at all, but is a matter of waste.

By way of illustration, let me say that if the T. V. A. does not have sufficient money to enable it to buy or install the necessary transmission lines to bring the new power which will come from the Fontana Dam into the power system, where that power can be sold to customers, where the T. V. A. cannot only get back the cost of generating the power but also a reasonable profit which will pay the interest on the investment and will help amortize the cost—in other words, if we put the T. V. A. in a position where it will have to waste that power, rather than obtain a return on it—that is not economy.

Mr. TYDINGS. Of course, I do not think we are in that position.

Mr. HILL. Let me say that no one has more faith in the Congress than have I. But the Senator from Maryland, who has been in the Congress a long time—I think he and I entered the Congress together; he was elected to the Senate long before I was, but we entered the House of Representatives together—knows that, with all the conscientiousness of Congress, there are many delays incident to congressional action. Right on this floor, at times, matters have come up which have provoked long debate.

Mr. TYDINGS. Mr. President, will the Senator permit me to interrupt him?

Mr. HILL. Yes.

Mr. TYDINGS. I shall not interrupt him further. I simply wish to make this rejoinder: If, during the conduct of this war, with so many lives dependent on congressional appropriations, the Army and the Navy, with their long-range program, can obtain sufficient funds in advance to give the men in the service everything in the world they need in the way of weapons, equipment, and munitions, I fail to see how the peacetime activity of the T. V. A., with its smaller problem, cannot do what the Army and the Navy have been doing ever since the present war started.

Mr. REED. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. REED. I should like to ask the distinguished and amiable Senator—

Mr. HILL. Mr. President, I do not want the Senator to describe me as being amiable. I do not think that is a compliment. I do not want to be too amiable. [Laughter.] I have my hand on my knife right now.

Mr. REED. I should like to ask the Senator if he will distinguish between the T. V. A. and the Post Office Department.

Mr. TYDINGS. Or between the T. V. A. and the Army and the Navy.

Mr. REED. The Post Office Department is a business institution which is transacting business all over the country and all over the world, with its foreign mail. It makes payments for service by airplanes, railroads, and steamers. It pays several hundred thousand employees. It does many times the annual business the T. V. A. does. The Post Office Department turns into the Treasury every cent it collects, and in turn it receives appropriations from the Congress, and gets along with them. Will the Senator from Alabama distinguish between the Post Office Department and the T. V. A. and tell us why the T. V. A. should be accorded an exemption from certain rules of governmental and legislative business which the Post Office Department has always been able to follow, and now follows?

Mr. HILL. There are many differences, in my opinion, between the Post Office Department and the T. V. A. In the first place, the Post Office Department in many respects is more or less static. It is about the same today as it was 10 or 15 or 20 years ago. It has grown very slowly through the years from the beginning of our country.

The T. V. A. is a great power system which has come into being in only a few

years. It has many different business operations. It has many construction projects involving dams, transmission lines, relocation of roads, and so forth. It has a great fertilizer program. The T. V. A. is operated as it must be operated, as a business corporation. It must be operated as a business corporation, and must have that flexibility in the use of its funds and in the making of its expenditures that a private business corporation has.

In asking flexibility for the T. V. A., we are not asking for something which has not been granted to other Government agencies. A much greater flexibility than has been granted for the T. V. A., or than is asked today for T. V. A., has been granted the Commodity Credit Corporation, the Export-Import Bank, the Home Owners' Loan Corporation, the Reconstruction Finance Corporation, the Federal Deposit Insurance Corporation, the Inland Waterways Corporation, the War Shipping Administration under the Maritime Commission, and other Government corporations. We must bear in mind that when we have a Government corporation which must operate as a private business, that corporation, if it is to be operated on a businesslike and efficient basis, must have a certain flexibility with reference to its funds, akin to the flexibility that a private corporation enjoys. If a private corporation needs money it can borrow it from a bank. It can issue bonds, and sell them. Under certain circumstances it can issue new stock to get money. But the Tennessee Valley Authority cannot borrow money. It has only one way of getting money, and that is either from the receipts it takes in, or from money directly appropriated for it out of the Treasury by the Congress.

My distinguished colleague [Mr. BANKHEAD] has called my attention to a telegram which he and I received this morning from the Tennessee Valley, in north Alabama. I read this telegram earlier in my remarks, and I will not read it again, but Mr. Barrett Shelton, the sender of the telegram, speaking for the people of the Tennessee Valley in north Alabama, calls attention to the fact that at the present time the great Goodyear Decatur Mills, which are producing rayon tire fabric, one of the bottlenecks in this war, needs immediately additional power. To get that additional power the T. V. A. must spend something like \$40,000. When the estimates were made for this fiscal year, some 18 months ago, there was no way in the world for any one to visualize that \$40,000 would be needed for additional power to produce rubber for the war effort of the United States.

Earlier in my remarks I read a letter which Mr. Donald Nelson wrote to Harold Smith, Director of the Budget, emphasizing the need for flexibility with reference to the funds of the T. V. A. and emphasizing the fact that the War Production Board would likely have to call upon the T. V. A. for additional power for war production, and stating that if the T. V. A. were to be able to meet these compelling needs for additional power it would have to have the

funds with which to meet the needs, with which to install new transformers and additional units, or to run extra transmission lines which might be required.

Whenever we tie the T. V. A. down to estimates made 18 months ahead of time, we hamstring it. We throttle it. We make impossible its efficient and businesslike operation. As I stated a few minutes ago, we know the delays incident to obtaining appropriations from Congress. We are familiar with the long, continuous route. First an estimate must go to the Budget Bureau for approval. Testimony and evidence must be submitted to the Budget Bureau. Then the request goes to a subcommittee of the House Committee on Appropriations, which holds hearings and takes the testimony of witnesses. Perhaps there are weeks of delay in the subcommittee. Then there is action by the full committee. Perhaps there is further delay before the bill can be considered by the House of Representatives. Then, when the bill is passed by the House, it must go to a subcommittee of the Senate Committee on Appropriations. There may be further delay before the bill can even be taken up for hearings by the subcommittee. There is delay in the subcommittee and delay in the full committee. Then, perhaps, the bill is reported to the Senate. The Senate may be engaged in a long and protracted debate, which is not an unusual situation, when no appropriation bill can be taken up. Therefore there is further delay. So, no matter what may be the good will of the Congress toward the T. V. A., no matter how well the Congress may wish the T. V. A. in its operations, the fact remains that the procedure is such that there is inevitably delay in obtaining appropriations from the Congress.

Earlier in my remarks, when some Senators now present were not in the Chamber, I called attention to the fact that from September 1939, until about March 1941, in that crucial period of our history when it was so necessary to obtain all the power we could, to build all the guns, tanks, ships, and airplanes possible, the T. V. A., because it had the money, was able to increase its power over and above its estimates and its contractual commitments, to the extent of 2,000,000,000 kilowatt-hours.

Mr. President, I do not wish to delay the Senate too long by indulging in a twice-told tale, but I wish to reiterate what I said in the beginning. Under the language carried in the bill as it passed the House, without the proposed amendment, every dollar of the receipts of the Tennessee Valley Authority would go into the Treasury, and not a single dollar would be taken out except through appropriations by the Congress. In the past the Congress has appropriated the receipts at the beginning of the fiscal year, so that as the receipts came in during the fiscal year they were subject to expenditure by the Tennessee Valley Authority. We could have no more perfect illustration of the reason why this committee amendment ought not to be adopted, and why we ought not to put the Tennessee Valley Authority absolutely at the mercy of Congress for every

penny it expends than what has happened in connection with this very bill. Amendments were withdrawn by their author in the subcommittee, because, after they were offered, the Senator from Tennessee [Mr. McKellar], the author, realized that they were not practical and that they could not possibly be justified. Yesterday the Senator from Tennessee, acting chairman of the committee, and author of additional amendments, called his committee together to obtain the consent of the committee to withdraw 16 of the amendments which the committee had reported.

It was brought out in the debate on this floor during 2 preceding days that there would be no way in the world by which to justify the amendments. They would have seriously hamstrung and hampered the operations of the Tennessee Valley Authority. For 9 years the Tennessee Valley Authority has gone forward with a great development under a provision of law identical with that in the bill as it passed the House of Representatives. There is not a single Senator who will rise on this floor and say that the management of the T. V. A., on the whole, has not been efficient, capable, or businesslike. Most of us who know it intimately feel that its management has been magnificent. Why now change it? Why now destroy its flexibility? Why now hamstring and hamper the Tennessee Valley Authority when we know that under the committee amendment an appropriation is asked for which would be at a minimum \$30,000,000 short of what the Tennessee Valley Authority must have in order to meet outstanding obligations, and to carry out the program of operations as approved by the committee itself for the next fiscal year.

Mr. President, a moment ago I spoke of the efficient operation of this great Authority. I think that at this point I should read a telegram which came to me this morning, entirely unsolicited on my part, signed by men who I believe my colleague from Alabama [Mr. Bankhead] will join me in saying are as outstanding and as authoritative as spokesmen as could be found in the Tennessee Valley in the State of Alabama. The telegram reads:

DECATUR, ALA., March 22, 1944.

Senator LISTER HILL,
Washington, D. C.:

We have read what Senator McKellar has said of Chairman Lilienthal. Our dealings with T. V. A. have been satisfactory, pleasant, and in keeping with honest business practice. Lilienthal, in our experience, is an honest, sincere, and faithful public servant. He is directing T. V. A. in the public interest as inteded by Congress.

T. R. Harrison, mayor, Decatur, Morgan County; R. H. Richardson, Jr., mayor, Athens, Limestone; Isaac Johnson, probate judge, Moulton, Lawrence; Senator John Benson, Scottsboro, Jackson; A. W. McAllister, mayor, Huntsville, Madison; Dr. E. H. Couch, mayor, Gunterville, Marshall; Dr. J. A. Keller, president, State Teachers College, Florence, Lauderdale; Andrew Johnson, probate judge, Fort Payne, De Kalb; J. L. Andrews, Sheffield, Colbert; A. A. Griffith, circuit judge, Cullman; Edgar Underwood, probate judge, Franklin;

Senator Lem Cobb, Center, Cherokee; Julian Harris, circuit judge, Decatur; Jap Bryant, mayor, Bessemer, Jefferson; A. N. Cameron, mayor, Tarrant City, Jefferson.

Judge Cullman presides over our circuit court, which is the highest nisi prius court, next only to our supreme court, which is our high court of appeals.

Knowing those gentlemen as I do, knowing the positions of responsibility and leadership which they occupy, and knowing that they have all been chosen to their positions by the people themselves, being elected to be public servants in all the counties of Alabama served by the T. V. A., I do not believe it would be possible for Mr. Lilienthal, or his work as Chairman, to receive a finer testimonial than is conveyed in this telegram.

Mr. LANGER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ANDREWS in the chair). Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. HILL. I yield.

Mr. LANGER. I take it from what the Senator has said that he thinks the amendment is simply put into the bill to hamstring the administration of the T. V. A. Am I correct in my understanding?

Mr. HILL. I think the amendment would very seriously hamstring the administration of the T. V. A. I do not in any way question the motive or the sincerity of the author of the amendment, I may say to the Senator, but it is certain that the amendment would very seriously hamper the operations of the Tennessee Valley Authority. I can see no justification or reason for it. I do not wish to keep going over the subject, but the Comptroller General checks into the management of the T. V. A. We have the Budget Bureau, the committees of Congress and Congress itself, and all of them have proclaimed the efficient, sound, and businesslike management, and when people journey from various parts of the world to the Tennessee Valley Authority because they have heard of what a magnificent job is being done by it, after 9 years of operation of the T. V. A., why should we change it now? Why hamstring it now? The amendment of the committee would hamstring it, because if the appropriation remains as it has been reported by the Senate Committee on Appropriations, it would give the T. V. A. a very minimum of \$30,000,000 less than the record shows the Tennessee Valley Authority will need.

As I said before the Senator came upon the floor, if this amendment shall be adopted and the appropriation shall be carried as recommended by the Senate Committee on Appropriations, either the T. V. A. will have to refuse to meet some \$30,000,000 of outstanding obligations, debts owed to citizens of the United States who are taxpayers, or it will have to cut down, reduce, and impair the program for the next fiscal year which the committee itself has approved, by that minimum of \$30,000,000.

In addition, as I have already said, there is no provision made to take care of any emergency. Suppose there

should be a storm or a great drought in that section, and instead of using the hydroelectric power generated by the T. V. A. it were necessary for the T. V. A. to buy a great deal of coal and employ many persons to operate its steam plants, and materially increase the cost of operation. The cost does not, in the final analysis, fall on the T. V. A., because under the contracts the purchasers pay more when the Authority supplies power from coal, and in that way the T. V. A. gets the money back; but it has to have the money with which to buy the coal and pay the people to operate the steam plants. Suppose there should be a hurricane in that section, or a storm, and a great transmission line were blown down. It would be necessary to have money with which to rebuild and repair the transmission line. More than two and one-half million people served by this great power system have a right, as customers of the system, to have the T. V. A. so fortified and circumstanced financially that they may know that its service will be carried on efficiently, and without interruption.

Mr. LANGER. Mr. President—

Mr. HILL. I yield to the Senator from North Dakota.

Mr. LANGER. I may say for the benefit of the Senator from Alabama that I took a trip to Alabama about a year ago to investigate the T. V. A. I must have talked to perhaps 200 persons. I found that T. V. A. had done a magnificent job, and any time the people of Alabama and the other States affected do not want it they can give it to us in North Dakota. We should certainly like to have it there. I think the Senator is exactly right, and that he is to be commended for the fine job he has done upon this floor in bringing the true facts concerning this splendid institution to the attention not only of the Senate but to the attention of the country. I shall support the Senator in his fight against any amendments which, if adopted, would hamper the effort and work of the T. V. A.

Mr. HILL. Mr. President, I want to express my appreciation to the distinguished Senator from North Dakota and thank him for his words and for his support.

Mr. President, I have in a rather haphazard way said the things which I thought perhaps I might say when I arose to address the Senate. I may add that of all the amendments which were originally recommended by the Senate Committee on Appropriations, this amendment is the worst; it is the most harmful amendment; it will do more to strangle and to paralyze if not to gut the T. V. A. than any of the other amendments. There was no justification for the other amendments, and that is why they have been withdrawn. This amendment should be withdrawn, but, since it is not going to be withdrawn, the Senate of the United States should vote it down.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had severally agreed to the amendment

of the Senate to the following bills of the House:

H. R. 2212. An act for the relief of Clarence Waverly Morgan;

H. R. 2743. An act for the relief of Mrs. Marie Geiler; and

H. R. 3157. An act for the relief of Lloyd L. Johnson and P. B. Hume.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2925) for the relief of Charles J. Goff.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 192) to enable the United States to participate in the work of the United Nations relief and rehabilitation organization.

The message also announced that the House had passed a bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 250) to promote sustained-yield forest management in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife, and it was signed by the Vice President.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 4070) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I realize that the Senate is very anxious to vote on this question, and I am likewise aware of the fact that, in all probability, Senators have determined how they will vote on the amendment, and that I could not hope to affect the result. However, because of my deep conviction that this amendment would constitute a staggering blow to the successful operations of this enterprise, in which upward of \$725,000,000 of the taxpayers' money has been invested, and because of my long interest in the project, I cannot let the vote come upon this amendment without registering some of the reasons for my violent opposition to it.

Mr. President, I hope no Senator will vote in favor of this amendment on the theory that the committee has withdrawn 16 other amendments and that something should be left for the committee to accomplish in its efforts in regard to the T. V. A. But, Mr. President, this

is the heart of the series of amendments which were first presented by the committee; this is the crux of the whole issue, and the adoption of this amendment would do more to prevent a businesslike operation and the rendering of adequate service to the great war industries and to the industrial and commercial and residential consumers of this great river valley, which sweeps across the southeastern portion of the United States, than all the other 16 amendments combined.

Mr. President, as this bill came from the House of Representatives it did not appropriate any new money out of the Treasury for the Tennessee Valley Authority and its operations for the fiscal year 1945. It followed the practice which has been pursued ever since this enterprise was launched. First of all, an estimate was made of the cost of the program for the fiscal year 1945. When that had been ascertained, the receipts for 1945 were estimated; and the amount of the estimate was \$68,523,882.

In addition to that, the unobligated balance which would exist on July 1, 1945, namely, \$19,262,298, was made available for the operations of this giant enterprise during the coming fiscal year.

In my opinion, the committee erroneously confused the unexpended balance and the unobligated balances, and, because of that confusion, the T. V. A. will find itself short \$30,000,000 of a sum sufficient to meet obligations which will become due after the 1st of next July, and it will be forced to take that \$30,000,000 out of this appropriation of \$79,134,182. So, as a result of the attempt of the Senate Appropriations Committee to gaze into the crystal ball and estimate how much this giant enterprise will need for 1945, the T. V. A. will be short \$30,000,000, even on the committee's estimate as to the cost of operations and construction, replacement, repair, and betterment.

But waiving aside for the moment the precarious financial position in which the Authority will find itself on the 1st of July due to this confusion on the part of the Senate Appropriations Committee as between unexpended and unobligated funds, a more serious aspect is that the proposal now pending before the Senate provides that all the receipts for the fiscal year 1945 shall go into the general fund of the Treasury of the United States.

Mr. President, this proposal is analogous to a board of directors of a giant corporation, such as General Motors or the du Pont de Nemours Co., or any great power company in the United States, meeting prior to the end of the corporation's fiscal year and deciding, assuming that they had such power, that for the coming fiscal year the president and the management of the corporation could not utilize one penny of the corporation's receipts with which to meet its operating expenses. The board of directors, each member of it being provided with a crystal ball, would go into a trance, look into the crystal ball, and come up with a number which they estimate would represent the operating

expenses and the amount needed for betterment, improvement, and replacement which the corporation would have to utilize in the coming fiscal year, and then say to the management, "Now, of course, if you find that our gaze into the crystal ball has not resulted in an accurate figure, if you find that our estimation is out of line, you can come back to us some time when you run into a financial jam, or a plant burns down, or a whole turbine is blown out, or your transmission lines are swept down by a tornado, and let us know, and we will have a meeting later on and appropriate some more money out of the surplus." I submit Mr. President, that if any board of directors could ever take any such action with regard to a corporation, a stockholder should have the right, if he does not possess it under the law, to bring a proceeding to remove the board of directors for being incapable and incompetent to manage the affairs of the corporation; and although I am not a lawyer, I think they should have a right to have them examined by a board of alienists.

Mr. President, every time the Government engages in any kind of enterprise such as the T. V. A., a hue and cry is raised that the Government cannot do business on a businesslike basis. One of the favorite slogans is, "More business in government and less government in business." But here is a bold, naked proposal to adopt a policy so unbusinesslike that any Member of the Senate, if he were a member of the board of directors of a corporation, would be ashamed to propose it if he ever thought of it.

Mr. President, there has never been a dollar of money spent by the Tennessee Valley Authority since it was created that was not specifically authorized by statute. There is no showing that there has ever been any diversion of money for projects or for operations not authorized by law, either in the Tennessee Valley Authority Act as amended or in appropriation acts which have been passed. Yet, in the midst of the most serious war in which any nation has ever been involved, it is now proposed to run the risk that the able and estimable gentlemen on the Committee on Appropriations of the Senate, overworked, every one of them, have been able to guess what is going to happen to a \$725,000,000 corporation during the coming fiscal year.

Mr. BREWSTER. Mr. President—

The PRESIDING OFFICER (Mr. BURTON in the chair). Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I yield.

Mr. BREWSTER. Do we not have to tell what is going to happen with a hundred-billion-dollar corporation during the coming year?

Mr. LA FOLLETTE. I do not know to what corporation the Senator refers.

Mr. BREWSTER. I refer to the United States Government.

Mr. LA FOLLETTE. I have tried to make it clear, and I think it should be clear, that the Tennessee Valley Authority is not analogous to any operation of the War Department or the Navy Department. This is a great, giant power system, as well as a great construction

corporation. It is selling power, it is selling fertilizer, it has an enormous income. It is estimated that its receipts will be \$68,528,000 in the coming fiscal year.

Mr. BREWSTER. Will the Senator yield further?

Mr. LA FOLLETTE. I yield.

Mr. BREWSTER. Which does the Senator think has had more unexpected and more unanticipated items in the last 2 or 3 years, the corporation of which he speaks, or the United States Government?

Mr. LA FOLLETTE. Of course, I would say that, obviously, the Federal Government as a whole has; but the point I am trying to make is that the War Department is not operating a business. We appropriate billions of dollars for the use of the War Department, and their job is to spend that money in order to carry on the war effort. But here is a great public utility enterprise, and it is proposed that the management of that enterprise shall not have one penny of the huge receipts which it takes in as part of its business operation, but, instead, it must rely on the "guesstimation" of the estimable gentlemen sitting on the Committee on Appropriations. I say there is not a business corporation in the world which could operate on such a basis as is proposed here.

Mr. BREWSTER. Am I correct in understanding that actual appropriation is made in any event?

Mr. LA FOLLETTE. Certainly an appropriation is made.

Mr. BREWSTER. So that the items are ultimately considered, in any event?

Mr. LA FOLLETTE. No; when the bill came to the Senate from the House there was not a dollar of new money appropriated out of the Treasury. All that was done was to make the receipts available, which was to be the bulk of the operating fund, as has been done every year since T. V. A. was created, namely, the \$68,528,000 of which I have spoken; and to take the unobligated balance which would exist on July 1 and make that available.

Mr. BREWSTER. Was that done without any consideration of the necessity or applicability of those revenues?

Mr. LA FOLLETTE. No; of course not. That was done after a most careful estimate, insofar as it is humanly possible to make one, and one can be made so far as certain specific items are concerned. For example, we know now that the cost of completing the Watts Bar steam plant is to be \$532,000. That is an item that can be put down.

Mr. BREWSTER. Does the Senator mean that that determination was made by the Authority, or by the committee?

Mr. LA FOLLETTE. I presume that in the first place the Authority made its estimates, then submitted them to the Bureau of the Budget, and then, through the Bureau of the Budget, they were submitted to the Appropriations Committee of the House of Representatives.

Mr. BREWSTER. So that in the final analysis, the committee did consider and determine the question of the necessity of those expenditures?

Mr. LA FOLLETTE. Certainly; and I stated before that so far as I know not a dollar of money—and no showing has been made here that a single dime of the receipts of the corporation has ever been expended for any purpose except purposes which had been authorized by Congress. That is true, and in addition to that, the accounts of the Authority are audited by the Comptroller General, and the Authority pays \$30,000 a year to one of the outstanding firms of public accountants in the United States to make a corporate audit of its operations. So there has been no showing that there is any justification for assuming that there has been any misappropriation or misuse of the receipts during all the lifetime of this corporation.

I submit to anyone who has ever had any business experience that it is absolutely impossible for the Senate or for the board of directors of a private corporation to sit down in advance of a full year's operations and write a figure which will cover the operations for that year. That is why we never know what dividends may be paid, except as we come to the end of a quarter. Any corporation which was paying its dividends out of earnings, and paying them in advance of the period in which the earnings were being made, would soon be insolvent. Yet that is what is proposed to be done in this case.

Mr. President, I stated before, and I wish to repeat, I feel strongly that every Senator has an absolute right to his opinion as to whether or not this enterprise should have been launched in the first place. I concede the right of Congress—although if I should chance to be here I would oppose it with all the vigor at my command—at any time a majority of both Houses desire to do so, to sell this great public-utility system back into the hands of private ownership. My opinion is, Mr. President, that having invested \$750,000,000 of the taxpayers' money in this enterprise in the first place, and in the second place because it is now the only available source of power in this very important war-producing area, we should not hamstring it by indirection, and that we should not do so by adopting methods and policies which could not successfully be carried out by any private corporation. If it is desired to change the basic policy it should be done when sufficient votes can be obtained to do so. But I plead with the Senate not to take action of an oblique nature, which will hamper and hamstring and prevent the functioning of this great enterprise, and not to force upon it policies which would ruin any corporation in America if it had to live under them.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment beginning in line 9 on page 2 of the committee print.

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Eastland	Reed
Andrews	George	Revercomb
Austin	Gerry	Robertson
Bailey	Gillette	Russell
Ball	Hawkes	Shipstead
Bankhead	Hayden	Smith
Barkley	Hill	Stewart
Bone	Holman	Thomas, Idaho
Brewster	Johnson, Colo.	Thomas, Utah
Bridges	La Follette	Tunnell
Buck	Langer	Tydings
Burton	McCarran	Vandenberg
Bushfield	McClellan	Wagner
Butler	McFarland	Walsh, Mass.
Byrd	McKellar	Weeks
Capper	Maloney	Wheeler
Chandler	Maybank	Wherry
Clark, Mo.	Mead	White
Connally	Millikin	Wiley
Danaher	O'Mahoney	Willis
Davis	Overton	Wilson
Downey	Radcliffe	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the committee amendment beginning in line 9, on page 2.

Mr. AIKEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). I have a general pair with the Senator from North Dakota [Mr. NYE]. If the Senator from North Dakota were present, he would vote as I intend to vote. Therefore, I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Rhode Island [Mr. GREEN], the Senator from Illinois [Mr. LUCAS], and the Senator from Florida [Mr. PEPPER] would vote "nay."

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program. I am advised that if present and voting, the Senator from New Mexico [Mr. HATCH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] would vote "nay."

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Idaho [Mr. CLARK], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent. I

am advised that if present and voting, the Senator from Idaho [Mr. CLARK] would vote "nay."

The Senator from Indiana [Mr. JACKSON] is absent on official business.

I also announce the following pairs: the Senator from New Jersey [Mr. WALSH] with the Senator from New Mexico [Mr. HATCH]; the Senator from Oklahoma [Mr. THOMAS] with the Senator from Indiana [Mr. JACKSON]; the Senator from Pennsylvania [Mr. GUFFEY] with the Senator from Illinois [Mr. BROOKS]; and the Senator from West Virginia [Mr. KILGORE] with the Senator from Louisiana [Mr. ELLENDER]. I am advised that if present and voting, the Senator from New Jersey, the Senator from Oklahoma, the Senator from Illinois, and the Senator from West Virginia would vote "yea," and that the Senator from New Mexico, the Senator from Indiana, the Senator from Pennsylvania, and the Senator from Louisiana would vote "nay."

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present he would vote "yea." He is paired on this question with the Senator from Pennsylvania [Mr. GUFFEY], who would vote "nay."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee.

The result was announced—yeas 39, nays 26, as follows:

YEAS—39

Bailey	Hayden	Robertson
Brewster	Holman	Russell
Bridges	Johnson, Colo.	Smith
Buck	McCarran	Thomas, Idaho
Bushfield	McClellan	Tydings
Byrd	McFarland	Vandenberg
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Weeks
Eastland	Maybank	Wherry
George	Millikin	White
Gerry	Overton	Wiley
Gillette	Reed	Willis
Hawkes	Revercomb	Wilson

NAYS—26

Alken	Capper	O'Mahoney
Andrews	Chandler	Radcliffe
Austin	Danaher	Shipstead
Ball	Davis	Stewart
Bankhead	Downey	Thomas, Utah
Barkley	Hill	Tunnell
Bone	La Follette	Wagner
Burton	Langer	Wheeler
Butler	Mead	

NOT VOTING—31

Bilbo	Gurney	Pepper
Brooks	Hatch	Reynolds
Caraway	Jackson	Scrugham
Chavez	Johnson, Calif.	Taft
Clark, Idaho	Kilgore	Thomas, Okla.
Cordon	Lucas	Tobey
Ellender	Moore	Truman
Ferguson	Murdock	Wallgren
Glass	Murray	Walsh, N. J.
Green	Nye	
Guffey	O'Daniel	

So the amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 56, line 18—

Mr. LA FOLLETTE. Mr. President—

Mr. BARKLEY. Mr. President, there is a second amendment in the committee print which has not been disposed of.

The VICE PRESIDENT. The clerk will state the second amendment in the committee print.

The CHIEF CLERK. On page 2 of the committee print, line 15, after the word "and" it is proposed to insert "all."

The amendment was agreed to.

Mr. BARKLEY. Mr. President, in view of the fact that that amendment is hooked in with the one in lines 18 and 19, and also all the amendment in italics, and the striking out of lines 19 to 24, together with the inclusion of new language in lines 24 and 25 in the committee print, and in view of the fact that they are all linked together, I suggest that we vote on those amendments en bloc.

Mr. McKELLAR. They have already been voted on en bloc.

Mr. BARKLEY. I did not so understand.

Mr. McKELLAR. The then occupant of the chair held that they were all one amendment. As I understand, the clerk read them all.

The VICE PRESIDENT. The Senator from Tennessee is misinformed on that particular point.

Mr. BARKLEY. All these amendments involve the same question, and I think we might as well vote on them together.

Mr. McKELLAR. Very well.

The VICE PRESIDENT. Is there objection to voting on the amendments en bloc? The Chair hears none.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, before the roll call begins, I should like to say to Senators that I hope—and I am sure I speak for the Senator from Tennessee [Mr. McKELLAR]—that we may dispose of this bill with as little delay as possible. It is desirable that we dispose of it, if possible, in time to take up the bill reported from the Finance Committee known as the "G. I. Bill of Rights." It is desirable that we recess until next Tuesday.

I might say for the benefit of Senators that the suggestion has been made by the Speaker of the House that beginning next Thursday, March 30, the Senate and House take a formal recess until the 12th of April. It is very necessary that the bill known as the "G. I. Bill of Rights" be passed by the Senate before any recess is taken. For that reason I hope Senators will facilitate the prompt disposition of the pending bill and all the amendments without unnecessary delay or debate.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. It is not only necessary that the bill be passed by the Senate but that we give sufficient opportunity for the House to act on it.

Mr. BARKLEY. That is what I meant to say.

Mr. MALONEY. Mr. President, I wish to be sure that I understood correctly. Did the majority leader say something about a recess beginning next Thursday?

Mr. BARKLEY. That is the proposal.

Mr. MALONEY. That is from the 30th of March.

Mr. BARKLEY. From the 30th of March to the 12th of April.

If I may supplement what I stated a moment ago, I hope the Senate will be willing, if necessary, to sit a little later tonight in order to accomplish this legislative program if possible.

Mr. CHANDLER. Mr. President, may the pending amendment be stated?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 15, of the committee print, after the word "and", it is proposed to insert "all"; in line 17, after the numerals "1945", it is proposed to strike out "(subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended)" and insert "and subsequent fiscal years"; in line 19, after the word "covered", it is proposed to insert "quarterly"; and in the same line, after the word "into", it is proposed to strike out "and accounted for as one fund to be known as the Tennessee Valley Authority Fund, 1945, to remain available until June 30, 1945, and to be available for the payment of obligations chargeable against the 'Tennessee Valley Authority fund, 1944', and insert "the general fund of the Treasury of the United States."

The VICE PRESIDENT. Without objection, the amendments will be voted upon en bloc. On this question the yeas and nays have been ordered and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). Making the same announcement as I made previously, I shall vote. I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent, attending a funeral.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Rhode Island [Mr. GREEN], the Senator from Illinois [Mr. LUCAS], and the Senator from Florida [Mr. PEPPER] would vote "nay."

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program. I am advised

that if present and voting, the Senator from New Mexico [Mr. HATCH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] would vote "nay."

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Idaho [Mr. CLARK], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent. I am advised that if present and voting, the Senator from Idaho [Mr. CLARK] would vote "nay."

The Senator from Indiana [Mr. JACKSON] is absent on official business.

I also announce the following pairs: The Senator from New Jersey [Mr. WALSH] with the Senator from New Mexico [Mr. HATCH]; the Senator from Oklahoma [Mr. THOMAS] with the Senator from Indiana [Mr. JACKSON]; the Senator from Pennsylvania [Mr. GUFFEY] with the Senator from Illinois [Mr. BROOKS]; and the Senator from West Virginia [Mr. KILGORE] with the Senator from Louisiana [Mr. ELLENDER]. I am advised that, if present and voting, the Senator from New Jersey, the Senator from Oklahoma, the Senator from Illinois, and the Senator from West Virginia would vote "yea," and that the Senator from New Mexico, the Senator from Indiana, the Senator from Pennsylvania, and the Senator from Louisiana would vote "nay."

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present, he would vote "yea." He is paired on this question with the Senator from Pennsylvania [Mr. GUFFEY], who would vote "nay."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee.

The result was announced—yeas 39, nays 26, as follows:

YEAS—39

Bailey	Hayden	Robertson
Brewster	Holman	Russell
Bridges	Johnson, Colo.	Smith
Buck	McCarran	Thomas, Idaho
Bushfield	McClellan	Tydings
Byrd	McFarland	Vandenberg
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Weeks
Eastland	Maybank	Wherry
George	Millikin	White
Gerry	Overton	Wiley
Gillette	Reed	Willis
Hawkes	Revercomb	Wilson

NAYS—26

Aiken	Capper	O'Mahoney
Andrews	Chandler	Radcliffe
Austin	Danaher	Shipstead
Ball	Davis	Stewart
Bankhead	Downey	Thomas, Utah
Barkley	Hill	Tunnell
Bone	La Follette	Wagner
Burton	Langer	Wheeler
Butler	Mead	

NOT VOTING—31

Bilbo	Gurney	Pepper
Brooks	Hatch	Reynolds
Caraway	Jackson	Scrugham
Chavez	Johnson, Calif.	Taft
Clark, Idaho	Kilgore	Thomas, Okla.
Cordon	Lucas	Tobey
Ellender	Moore	Truman
Ferguson	Murdock	Wallgren
Glass	Murray	Walsh, N. J.
Green	Nye	
Guffey	O'Daniel	

So the amendments were agreed to.

Mr. MCKELLAR. Mr. President, I move that the vote by which the amendments were agreed to be reconsidered.

Mr. TYDINGS. I move to lay on the table the motion of the Senator from Tennessee.

The motion to lay on the table was agreed to.

ACCEPTANCE OF GIFTS AND BEQUESTS FOR THE NAVAL ACADEMY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1640) to authorize the Secretary of the Navy to accept gifts and bequests for the United States Naval Academy, and for other purposes, which was, on page 2, to strike out lines 6 to 8, inclusive, and insert:

SEC. 3. For the purpose of Federal income, estate and gift taxes, gifts and bequests accepted by the Secretary of the Navy under authority of this act shall be deemed to be a gift or bequest to or for the use of the United States.

Mr. WALSH of Massachusetts. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AMENDMENT OF THE ACT OF MARCH 2, 1895

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1647) to amend the act approved March 2, 1895, as amended, which was, in line 8, to strike out all after "following:" down to and including "Guard." and insert: "officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard."

Mr. WALSH of Massachusetts. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 2212. An act for the relief of Clarence Waverly Morgan;

H. R. 2743. An act for the relief of Mrs. Marie Geller;

H. R. 2925. An act for the relief of Charles J. Goff, as administrator of the estate of Judson E. Goff, deceased;

H. R. 3157. An act for the relief of Lloyd L. Johnson and P. B. Hume; and

H. J. Res. 192. Joint resolution to enable the United States to participate in the work of the United Nations relief and rehabilitation organization.

EXECUTIVE AND INDEPENDENT OFFICES
APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 4070) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes.

The PRESIDING OFFICER. The next amendment of the committee beginning on page 56 will be stated.

The next amendment was, under the heading "United States Maritime Commission," on page 56, line 18, after the word "exceed," to strike out "\$30,000,000" and insert "\$39,983,725"; and on page 57, line 1, after the word "services" and the semicolon, to strike out "purchase (not to exceed \$16,275)."

The amendment was agreed to.

The next amendment was, under the heading "Veterans' Administration," on page 58, line 1, after the word "administering," to strike out "\$164,000,000" and insert "\$163,977,740, of which \$44,940 shall be available for salaries and expenses of the Federal Board of Hospitalization"; and in line 18, after the word "including," to strike out "purchase."

The amendment was agreed to.

The next amendment was, on page 64, line 1, after the name "Veterans' Administration," to strike out "\$1,259,310,500" and insert "\$1,259,288,240."

The amendment was agreed to.

The next amendment was, under the heading "Title II—General provisions," on page 68, line 10, after the word "vehicle," to insert "(1)"; in line 18, after the word "concerned," to insert a semicolon and "(2) unless there shall be painted in white letters not less than 2 inches high on both sides of each motor vehicle and trailer owned or leased by the United States Government the words 'On official business,' and (3) unless there shall also be displayed at all times in a conspicuous place a sign designating the particular department, independent establishment, or other Federal agency which operates said vehicle. Any officer or employee of the Government who uses or authorizes the use of any Government-owned motor-propelled passenger-carrying vehicle, or of any motor-propelled passenger-carrying vehicle leased by the Government, for other than official purposes or otherwise violates the provisions of this subsection shall be summarily removed from office, and shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 1 year, or both"; and on page 69, line 12, after the word "officials," to insert "and clauses (2) and (3) shall not apply to motor vehicles operated by the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice and the Secret Service of the Treasury Department."

The amendment was agreed to.

The next amendment was, on page 73, after line 8, to strike out:

SEC. 210. No part of any appropriation for the fiscal year 1945 contained in this or any other act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has

voted not to approve of the nomination of said person.

And in lieu thereof to insert the following:

SEC. 210. No part of any appropriation available for the executive departments and independent establishments (including any agency the majority of the stock of which is owned by the Government of the United States) for the fiscal year 1945 or any subsequent fiscal year contained in this or any other act shall be (1) paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person, or (2) available to pay the salary of any person at the rate of \$4,500 per annum or more unless such person shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, on page 74, after line 18, to insert the following new section:

SEC. 213. No part of any appropriation or fund made available by this or any other act shall be allotted or made available to, or used to pay the expenses of, any agency or instrumentality established by Executive order after such agency or instrumentality has been in existence for more than 1 year, if the Congress has not appropriated any money specifically for such agency or instrumentality or specifically authorized the expenditure of funds by it. For the purposes of this section, any agency or instrumentality established by Executive order shall be deemed to have been in existence during the existence of any other agency or instrumentality, established by a prior Executive order, if the principal functions of both of such agencies or instrumentalities are substantially the same or similar. When any agency or instrumentality is or has been prevented from using appropriations by reason of this section, no part of any appropriation or fund made available by this or any other act shall be used to pay the expenses of the performance by any other agency or instrumentality of functions which are substantially the same as or similar to the principal functions of the agency or instrumentality so prevented from using appropriations, unless the Congress has specifically authorized the expenditure of funds for performing such functions.

Mr. BALL. Mr. President, in the pending amendment on page 74, after line 18, I move to amend by inserting after "Sec. 213" and the period, in line 19, the words "After July 1, 1944."

I believe it to be the intent of the sponsor of the amendment, the Senator from Georgia [Mr. RUSSELL] that it shall not apply until July 1, 1944, but I am not certain in my own mind that it might not become effective immediately after the enactment of the measure, and I think the President should have an opportunity to present Budget estimates for these agencies.

Mr. WHITE. Mr. President, may the amendment be stated?

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). The amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 74, line 19, after "Sec. 213," it is proposed to insert "After July 1, 1944," so as to read:

SEC. 213. After July 1, 1944, no part of any appropriation or fund made available by this or any other act shall be allotted or made

available to, or used to pay the expenses of, any agency"—

And so forth.

Mr. RUSSELL. Mr. President, the purpose of the committee amendment, which is apparent from a reading thereof, is to retain in the Congress the power of legislating and creating bureaus and departments of the Government, and of giving to Congress the right to know what the bureaus and departments of the Government which have been created by Executive order are doing.

Under the provisions of the amendment no bureau, agency, or instrumentality of the Government which has been in existence for a longer period than 12 months shall have any funds allotted to it for its maintenance which are appropriated for any other purpose whatsoever. I realize, Mr. President, that in time of war, emergencies may arise which might dictate that the executive branch of the Government should immediately create some agency to deal with an immediate difficulty, but certainly there is no excuse for the continuance of an agency which has been in existence for longer than 12 months for which the Congress has not appropriated, or for which the Congress has not had any opportunity to appropriate. This amendment follows the provision which was inserted in the appropriation bill for the current year, and which denied funds to any agency when a budget estimate had been submitted to the Congress, and Congress had refused to appropriate for that purpose.

Secondly, Mr. President, no agency which has power to issue orders affecting the lives and business of the American people should stay in existence for more than 12 months unless the Congress has passed upon an appropriation for such agency. I have made an effort to ascertain the number of agencies which would be affected by this provision. According to a report which was filed by the Bureau of the Budget in response to a request which I made of the director of that agency, about 13 agencies would be affected. The Senator from Virginia [Mr. BYRD] very kindly furnished me with a list of agencies which had been compiled by the committee of which he is chairman, and according to that list approximately 17 or 18 such agencies would be affected.

From the Legislative Reference Bureau I secured another list which shows that still other agencies would be involved.

Regardless of what agencies might be affected, the purpose of this amendment is to require them all to come to Congress for their appropriations after they have been in existence for more than a year.

I do not believe, Mr. President, that any lengthy discussion of this amendment is necessary. Its purpose is clear. Certainly those who have been complaining about bureaucrats and bureaucracy in this country, and who have heretofore complained because the Congress had not created or passed upon such agencies, should support this amendment and thereby give Congress the right at least

to keep advised as to what all the different agencies of the Government are doing.

I understood that the purpose of the amendment offered by the Senator from Minnesota is to insure that this provision shall not take effect until the first of July of this year. Of course, I should like to see the agencies to which I have referred be compelled to come before Congress immediately, but my understanding is that the amendment of the Senator from Minnesota would not be necessary because it is an amendment to an appropriation bill which would not take effect until the 1st day of July, 1944. I have no particular objection to the amendment but I do not think it is at all necessary.

Mr. BALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BALL. It seems to me that section 213 of the legislative provision might be interpreted as taking effect immediately. In order to remove any doubt, I think we ought to give the agencies time to come to Congress to ask for funds. My amendment would give them until July 1.

Mr. RUSSELL. I have no objection particularly to the amendment. I apprehend that it may cause some of the agencies to come to Congress for deficiency appropriations, but I would not make any particular point on the amendment offered by the Senator. He is a member of the Appropriations Committee, and, if he thinks the provision is wise, I shall not object to the amendment.

Mr. BALL. It seems to me to be only fair to give the agencies time to present their cases to the proper committees. I am entirely in favor of the amendment of the Senator from Georgia.

Mr. RUSSELL. I am not impressed with the argument as to an opportunity to come to Congress for funds because some of them have been in existence 2 or 3 years and have had ample time to come before Congress and ask for funds.

Mr. BARKLEY. May I ask the Senator where his amendment comes in and what it does.

Mr. BALL. The amendment proposes to insert before the word "No" in line 19, the words "After July 1, 1944," which would give them to the end of this fiscal year to come to Congress for funds.

SEVERAL SENATORS. Vote!

Mr. BUTLER. Mr. President, I have an amendment to the committee amendment which I desire to propose. I send it to the desk and ask that the clerk read it.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is not in order at the moment. There is an amendment to the amendment pending. The question now is on the amendment offered by the Senator from Minnesota [Mr. BALL] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is now in order.

Mr. BUTLER. I offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 75, line 1, before the period, it is proposed to insert a semicolon and the following:

nor shall any of the funds or personnel made available by this or any other act to any specific governmental department or agency thereof be allotted or assigned to any other governmental agency or department to permit it to engage in any activity for which funds have not been granted to it directly, unless such allotment or assignment is expressly so authorized in the Appropriation Act.

Mr. BUTLER. Mr. President, I only have a very few words to say in reference to the proposed amendment.

In my opinion, the amendment would make a little bit tighter the provisions of the amendment proposed by the Senator from Georgia. To illustrate exactly what I am aiming at, I should like to refer Senators to an insertion in the CONGRESSIONAL RECORD under date of March 6 by Representative FLOESER, of Missouri, covering a memorandum given him by the famous writer, John T. Flynn.

Some programs are being attempted by various departments or agencies that, if successful, would make over the entire American society—our entire economic system. When they are stopped in one place they break out in another.

The memorandum given Representative FLOESER, of Missouri, by John T. Flynn, covers the details of just such an incident in the United States Office of Education. I quote from it, as follows:

Last summer . . . an Austrian was brought into the Office of Education by its head, Commissioner Studebaker, and, without any official status whatever, given the run of the place and complete access to its files. In a few weeks he emerged with a 32-page report severely criticizing the department of comparative education in the Commissioner's office and ending with a proposal for a department of international education, which, of course, is the idea he had in mind before he began his "Investigation."

I believe that by the amendment I have proposed the committee amendment would be improved to a considerable extent.

Mr. RUSSELL. Mr. President, I hope the Senator from Nebraska will not press his amendment. It deals with an entirely different question from the subject matter of the pending amendment. The pending amendment is designed for one purpose, and that is to prevent the executive department of the Government from legislating by creating agencies, by Executive order. The amendment proposed by the Senator from Nebraska would prevent any flexibility whatever in the transfer of personnel from one department or agency of the Government to another. Under normal conditions, I should be disposed to support the amendment proposed by my friend from Nebraska but in this time of war and stress it might be possible and desirable for the Navy Department to lend the War Department certain personnel or for the War Department to lend the War Production Board certain personnel; and the amendment of the Senator from Nebraska would have the effect of defeating such transfers of personnel.

Under ordinary circumstances, the proposition is sound, but I wish to point out that the amendment proposed by the

Senator would also affect the Congress of the United States. We have personnel now who have been loaned to various committees of the Congress by some of the agencies of the Government for which appropriations have been made. We have already passed two or three of the appropriation bills. The Treasury Department bill has already been enacted; the Post Office Department appropriation bill has already been enacted; and the Senate is on the eve of adopting the appropriation bill that relates to all the independent agencies of the Government, and we have not therein provided any elasticity, even to the extent of 1 percent, in the personnel that might be transferred.

In the abstract, I favor the proposition of the Senator, but I hope he will not press it as an amendment to this provision which deals with a different question altogether, and prevents the creation of agencies by any authority other than the Congress. The amendment proposed by the Senator deals with transfers of personnel from one agency already created by the Congress to another agency already created by the Congress. It relates to an entirely different proposition, and I hope my friend will not press his amendment.

Mr. BUTLER. Mr. President, it is not my intention to press the matter unduly at all, but I should like to ask the distinguished Senator from Georgia, inasmuch as he seems to agree with the idea in a general way, if he can suggest a more opportune time for enacting such a provision?

Mr. RUSSELL. I should like to have the Senator at least offer it as an independent proposal, and not inject an entirely new proposition into the heart and body of my amendment, which has only one purpose and which submits only one issue to Congress. If the Senator will offer it as an independent proposition I shall certainly be the last Member of this body to object to it; but we will have to go to conference on this amendment, and I should not like to have to carry two issues, including this collateral issue, to the House and the conference.

Mr. BUTLER. In view of the statement of the distinguished Senator from Georgia, I withdraw the amendment.

Mr. RUSSELL. I certainly thank my friend from Nebraska.

Mr. BUCK. Mr. President, I have an amendment I should like to submit. I ask that the clerk read it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 74, line 24, after the word "year", it is proposed to insert "except the Fair Employment Practice Committee."

Mr. BUCK. Mr. President, the purpose of the amendment is self-evident. It would retain the agency to which it refers which under the Senate committee amendment would be done away with. The colored folks are citizens of the country, and are particularly interested in retaining this agency. It is one that prevents and eliminates racial discrimination in war plants. There are nearly a million colored boys in the armed forces and more than 3,000,000

colored persons in the war plants of the country. I hope that this agency may be retained and that the amendment will be adopted.

Mr. RUSSELL. Mr. President, in the interest of consistency, I would probably have to—

Mr. CLARK of Missouri. Mr. President, before the Senator starts on consistency will he permit me to ask him a question?

Mr. RUSSELL. I am glad to yield.

Mr. CLARK of Missouri. Is it not a fact that the F. E. P. C. has been removed from the purview of the committee amendment by the President sending in a Budget recommendation for it, thus taking it out of the provisions of the amendment?

Mr. RUSSELL. It would not be if Congress refused to appropriate. A Budget estimate has been submitted and the House Appropriations Committee has been conducting hearings on it.

Mr. CLARK of Missouri. A Budget estimate has been held, under the rules of the Senate, to be an authorization, to all intents and purposes.

Mr. RUSSELL. Undoubtedly, there is authority to provide for the agency in the bill, yes.

Mr. CLARK of Missouri. Then it has been removed from the purview of the amendment.

Mr. RUSSELL. No; because the pending amendment says if Congress has not made appropriations for an agency it shall cease to function. But I am rather astonished, Mr. President, that the distinguished Senator from Delaware, a member of a party that has been complaining a great deal about bureaucracy, about the issuance of orders which affect the people, about bureaucratic agencies of the executive department exercising too great powers, and about the executive department usurping the powers of Congress, should come here and seek exemption for any agency of the Government that depended for its life and for its existence solely upon the action of the President of the United States.

Of course, everyone has his pet agencies, everyone has departments which he wants preserved, and if we start action like that proposed, if we are to say that the President of the United States can legislate by Executive order when we favor the objective which he is seeking, we should say that we favor the President of the United States taking to himself the power that is vested by the Constitution in the Congress of the United States, and legislating and creating departments of government which issue orders that bring the people of the United States before them, and pass orders which direct people how they shall proceed in their daily business.

The amendment proposed by the committee should stand or fall as an entire proposition. There is no reason on earth for exempting any agency, and if we start exempting any of them, we might as well defeat the entire amendment.

As the Senator from Missouri has stated, the President of the United States has moved to eliminate this Fair Employment Practice Committee from the

operation of the committee amendment. Three days after this amendment was approved by the full Committee on Appropriations he sent a Budget estimate to the House of Representatives, and hearings have already been held before the House committee which is dealing with the war agencies bill to determine whether or not the Congress shall appropriate funds for this Committee.

We should not undertake in this shotgun fashion to pass upon the merits of appropriations. Of course, I could go into the merits of the Committee the Senator from Delaware seeks to save and preserve, but I shall not discuss it at length. In the information that was furnished the Committee on Appropriations by the Bureau of the Budget, it developed that this Committee has around a hundred employees, and that the average compensation of those employees was around \$3,500 per annum. The average compensation of \$3,500 paid employees of this Committee compares with an average of around \$1,700 paid all civil-service employees, and around \$2,000 for all the employees of the Government of every kind, class, and category. So certainly, of all the agencies which should be dealt with in separate items of appropriations, the one which the Senator from Delaware seeks to preserve stands in the very forefront.

We should not here undertake to differentiate if we are dealing with a matter of policy. We either should stand or fall on this proposition as one requiring the executive department to submit these legislative questions to the Congress, or we should forever hold our peace, and not complain against executive agencies which have been created without the knowledge or consent of the Congress of the United States.

The amendment already agreed to, which was offered by the Senator from Minnesota, has allowed until the first of the fiscal year before the pending committee amendment shall be in operation, and I see no reason why we should undertake to exempt any one of the various agencies which have been created by Executive order. All should stand or fall together.

Mr. BUCK. Mr. President, there is a difference of opinion between the distinguished Senator from Georgia and myself on this question. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware to the amendment of the committee.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Bone	Byrd
Andrews	Brewster	Capper
Austin	Bridges	Chandler
Bailey	Buck	Clark, Mo.
Ball	Burton	Connally
Bankhead	Bushfield	Danaher
Barkley	Butler	Davis

Downey	McKellar	Thomas, Utah
Eastland	Maloney	Tunnell
George	Maybank	Tydings
Gerry	Millikin	Vandenberg
Gillette	O'Mahoney	Wagner
Hawkes	Overton	Walsh, Mass.
Hayden	Radcliffe	Weeks
Hill	Reed	Wheeler
Holman	Revercomb	Wherry
Johnson, Colo.	Robertson	White
La Follette	Russell	Wiley
Langer	Shipstead	Willis
McCarran	Smith	Wilson
McClellan	Stewart	
McFarland	Thomas, Idaho	

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. BUCK. I ask for the yeas and nays on the amendment.

Mr. RUSSELL. I understood the Chair had ruled that not a sufficient number had seconded the demand for the yeas and nays.

The PRESIDING OFFICER. A quorum call has ensued since the ruling.

Mr. RUSSELL. Does the Chair rule that a request for the yeas and nays may be made a number of times?

The PRESIDING OFFICER. It has been the practice, the Chair is advised, that the request may thus be made.

The question is on agreeing to the amendment of the Senator from Delaware [Mr. BUCK] to the amendment of the committee. The yeas and nays are demanded. Is the demand sufficiently seconded?

The yeas and nays were ordered.

Mr. McCARRAN. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. In the amendment of the committee, on page 74, line 24, after the word "year", it is proposed to insert "except the Fair Employment Practice Committee."

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. Nye]. Not knowing how he would vote if present, I withhold my vote.

Mr. MAYBANK (when his name was called). On this amendment to the appropriation bill I have a pair with the junior Senator from New York [Mr. MEAD], who is also a member of the Committee on Appropriations. If I were at liberty to vote I would vote "nay" on the amendment. I supported the Russell amendment in the committee. If the junior Senator from New York were at liberty to vote he would vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral. I am advised that if present and voting, he would vote "yea."

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are

absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Washington [Mr. BONE] is detained in a committee meeting.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that, if present and voting, the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], and the Senator from Louisiana [Mr. ELLENDER] would vote "nay," and that the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], and the Senator from Illinois [Mr. LUCAS] would vote "yea."

The Senator from Montana [Mr. WHEELER] is detained in one of the Government departments on matters pertaining to the State of Montana.

The Senator from Idaho [Mr. CLARK], the Senator from New York [Mr. MEAD], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent.

The Senator from Indiana [Mr. JACKSON] is absent on official business. I am advised that, if present and voting, he would vote "yea."

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present, he would vote "yea."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee. If present, he would vote "yea."

The result was announced—yeas 36, nays 22, as follows:

YEAS—36

Alken	Downey	Shipstead
Austin	Hawkes	Thomas, Idaho
Ball	Holman	Thomas, Utah
Barkley	Johnson, Colo.	Tunnell
Brewster	La Follette	Vandenberg
Bridges	Langer	Wagner
Buck	McCarran	Weeks
Burton	McFarland	Wherry
Butler	Maloney	White
Capper	O'Mahoney	Wiley
Danaher	Radcliffe	Willis
Davis	Robertson	Wilson

NAYS—22

Andrews	George	Reed
Bailey	Gerry	Russell
Bankhead	Gillette	Smith
Byrd	Hill	Stewart
Chandler	McClellan	Tydings
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Millikin	
Eastland	Overton	

NOT VOTING—38

Bilbo	Gurney	O'Daniel
Bone	Hatch	Pepper
Brooks	Hayden	Revercomb
Bushfield	Jackson	Reynolds
Caraway	Johnson, Calif.	Scrugham
Chavez	Kilgore	
Clark, Idaho	Lucas	Thomas, Okla.
Cordon	Maybank	Taft
Ellender	Mead	Tobey
Ferguson	Moore	Truman
Glass	Murdock	Wallgren
Green	Murray	Walsh, N. J.
Guffey	Nye	Wheeler

So Mr. Buck's amendment to the amendment of the committee was agreed to.

Mr. TYDINGS subsequently said: Mr. President, so far as I know, no one has written me either for or against this amendment. I am heartily in favor of the Russell amendment providing that bureaus shall not be created by Executive fiat. Therefore I shall support the Russell amendment. I was detained in my office, and when I came on the floor I did not understand the purport of the proposal then pending before the Senate. Had I known what the purport of it was, as a matter of principle, and regardless of the merits of this particular institution, I should have voted "nay" and I am a candidate for reelection in that State where all the colored people who wish to vote may do so.

Therefore, Mr. President, I ask unanimous consent that my vote of "yea" be changed to "nay." It will not affect the result, but I am particular about keeping my position with regard to Executive-inspired bureaucracy consistent.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

The question now is on agreeing to the committee amendment, beginning in line 19, on page 74, as amended.

Mr. RUSSELL. Mr. President, I hope that the American people will take due note of the action just taken by the Senate. They will observe that many Senators who have gone up and down the country protesting and inveighing against bureaucracy and denouncing the usurpation of the constitutional powers of the Congress by the executive branch of the Government have proven that they did not mean what they said by voting to sustain the right and power of the Executive to create agencies of Government by fiat and proclamation. It is amazing to see Senators who have been the loudest in protesting that the executive department was taking over the powers and functions of this body to the discredit of Congress now voting against the way they have talked for so long by declaring themselves in favor of executive agencies. It is an amazing abandonment of principle. In this case principle means nothing. But the desire to appeal to certain groups of voters seems to mean everything.

So far as I am concerned, Mr. President, if the Senate is to make fish of one agency and fowl of another, if I, as the author of this amendment in committee, have the right, I should like to withdraw it. Do I have the right or power to withdraw the amendment?

The VICE PRESIDENT. The Chair is informed that the Senator does not have

that right after an amendment to it has been adopted.

Mr. RUSSELL. I then ask unanimous consent, Mr. President, to withdraw the amendment.

Mr. LANGER. I object.

Mr. RUSSELL. I wish to say, Mr. President, that before I should be a party to any such proceeding as this, that I am now placed in the position where I shall vote against my own amendment. If the amendment shall be so distorted, and if those who have heretofore been most insistent in inveighing against executive action shall undertake to approve executive action in creating agencies of Government, I shall vote against the entire proposal.

Mr. GEORGE. Mr. President, I wish to add a few words to what has been said about the amendment. Not only are those Senators who claim to be opposed to bureaucracy in a wholly inconsistent position, but the one agency which has been excepted here has no legal status whatsoever. It has no foundation on which to stand. It is purportedly based upon the Second War Powers Act, but there is not a line or a syllable or any mark of punctuation in the Second War Powers Act which is authority for it, which authorizes the creation of the single agency which is retained by the amendment to the committee amendment just agreed to. This agency has no power to enforce its orders. Its orders are already challenged, and they will be consistently challenged, and unquestionably they will be upset. I doubt if there is anyone, even in the Department of Justice, who believes that this agency has any legal foundation in fact.

Some Senators have pledged to their people that they would recapture the powers of the Congress and retest in the Congress the power to legislate. Some Senators will be heard making a loud noise in November in repetition and repeated repetition of that particular program and of that declaration. Here is the acid test. Here is the proposal that agencies created by Executive order and which have been in existence for more than a year, and which have received no congressional approval, should no longer receive part of the public money appropriated under this measure. That is all.

Senators have selected the one agency whose single order in any important matter stands stopped almost by the confession of the Department of Justice that the agency has no legal status.

So far as I am concerned, I have said to my people, and I repeat it now, that when this war ends, and long before it ends, I shall vote to restore to the American Congress or to the American people every power which should be rightfully exercised by the American Congress or the people. I meant that. I do not challenge the sincerity of any other Member of this body. But if I had had any part in permitting the existence of a single agency in the Government, created under Executive order, and which for more than a year has stood without even congressional approval by the making of a single appropriation for its support, I could not justify the position I expect to take, and which I ex-

pect to take consistently, with my own people. I am up for election this year. But I am going to face my people on one issue, at least, and that is that every power which was not intended to be granted by the Congress, although there may be a technical foundation for its exercise, should be restored to the people themselves.

Human liberty cannot exist in any democratic country anywhere, any time, when the people fall under the rule of bureaucracies created by Executive order. Where is there in America a lawyer of any responsibility who will assert that the single agency which Senators have excepted from the operations of the amendment stands upon any legal foundation whatsoever?

Mr. CLARK of Missouri. Mr. President, I rise in defense of my colleagues on the other side of the aisle who voted for the last amendment which was adopted, because they had reason to do so. The amendment offered by the Senator from Delaware [Mr. BUCK] was the brain child of a man by the name of Edgar Brown, who held a very good job under the Democratic administration for 5 or 6 years. When he was finally separated from the public pay roll, he used the appointment of Mr. Justice Byrnes as Stabilization Director as an excuse for announcing his departure from the Democratic fold, although he did not deny that the Roosevelt administration had done more in many ways for the preservation of the rights of colored people and the upbuilding of their morale than had any other administration or any combination of administrations in the history of the country.

Recently I read in a Missouri newspaper an article by Edgar Brown in which he stated that, irrespective of what the President might have done or irrespective of the record of any Senator or Member of the House of Representatives, everyone who was nominated on the Democratic ticket, from the President down to constable, should be defeated. It is easy to understand the pull of a persuasion like that on some of our colleagues on the other side of the aisle. I saw Mr. Brown outside the Senate Chamber the other night, as I was getting on the elevator. He rushed up to me, and said that the provisions which were later incorporated in the Buck amendment should be included in the bill. I said to him, "As a matter of fact, has not the question of the F. E. P. C. been taken out of the controversy as to executive agencies without any authority of Congress, by the action of the President in sending up a Budget estimate for it?" I recall that the Senator from Indiana [Mr. WILLIS] happened to be with me at the moment, and I am sure he will verify my statement of the conversation. I said to Brown, "Has not the action of the President in sending up a Budget estimate for the F. E. P. C. taken it out of the controversy as to executive agencies without any congressional authority?" I personally was in favor of the maintenance of the F. E. P. C.; I would have voted for this amendment, with great reluctance, if the F. E. P. C. had been included in it. But Brown

rushed up to me and said, "We have got to have this amendment," the amendment specifically exempting the F. E. P. C. I said, "Why do you say that? The President himself has removed the F. E. P. C. from the operation of the amendment by sending up a Budget estimate." Brown said, "Well, because we want it."

About that time the Senator from Indiana [Mr. WILLIS] came along. Brown repeated that to him.

Mr. President, by agreeing to the amendment I do not think the Senate of the United States puts itself in a very good position on a great constitutional question, when the President of the United States has shown his disposition to remove this agency from the controversy by sending in a Budget estimate for it. The effect of agreeing to the amendment is to have the Senate act in accordance with the whim of a lobbyist, who would thus control the action of the Senate of the United States. So far as I am concerned, I intend to join the Senator from Georgia in voting against the amendment as amended.

Mr. BUCK. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Delaware.

Mr. BUCK. The Senator is exactly correct, in that this man Brown approached me, as I think he did other Senators. Let me say that many of my constituents in Delaware are very much interested in this matter. It is largely at their request that I was persuaded to present the amendment.

Mr. CLARK of Missouri. Mr. President, let me say to the Senator from Delaware that I meant no reflection whatever on him. So far as I am concerned, I am in favor of the maintenance of the F. E. P. C. As I have said, I might have voted against the Russell amendment against the action of the President of the United States. But I say that when the President of the United States has, by sending in a Budget estimate, acted in accordance with the effect of the Russell amendment, for the Senate of the United States finally to yield to the whim of a lobbyist like this man Brown is a disgraceful thing.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WILLIS. I desire to confirm everything the Senator from Missouri has said. Mr. Brown said, "This is the heart of everything the colored people want."

But I desire to announce that that had no effect on my consideration of the amendment.

Mr. CLARK of Missouri. I will say that the Senator from Indiana gave him no encouragement whatsoever.

Mr. WILLIS. Yes. Mr. President, in casting my vote on the amendment I will be acting out of my regard for a great group of colored people in the State of Indiana who I think are deserving of every possible consideration.

Mr. CLARK of Missouri. Mr. President, let me say further that the great group of colored people in the State of Indiana or the great group of colored

people in the State of Illinois or the great group of colored people in the State of Missouri or the great group of colored people in any other State are fully protected by the action of the President of the United States in submitting a Budget estimate on this matter. I repeat that the action the Senate has just taken is in response to the whim of this lobbyist.

Mr. RUSSELL. Mr. President, it is quite evident that the interest and votes of the great body of colored folks in many States has had considerable to do with the action the Senate has just taken. It appears that the influence of that great body of voters is such that in a case in which a constitutional principle is involved, principle can fall and be crushed into the earth, so long as the votes of Senators are cast in accordance with the wishes of that great body of colored voters, for whom they have such respect.

However, Mr. President, that question is not the only one involved in the amendment. This agency, without any legislative authority whatever, without the slightest basis of statutory power, without having had one dime of appropriation ever made for it, is one of the most arrogant of all bureaucracies. Because, Mr. President, when there is an agency which is not answerable to the Congress, an agency which does not even have to submit an annual request for an appropriation, an agency which has no power on earth over it except the Chief Executive of the United States, we always find that agency to be the most arrogant of all the bureaucracies.

Mr. President, I have received a great many letters in regard to this amendment that did not come from the South and do not involve the Negro issue. I know the situation of a Senator from the South who introduces an amendment under any circumstances whatever which remotely affects one Negro in the United States. Edgar Brown comes to see Senators, and the amendment is looked upon with suspicion even if the author did not know at the time the amendment was introduced that it affected a single Negro.

Many letters have been received from people who care nothing about the Negro issue—as illustrative of those who are in business and complain of the activities of these agencies, I read from a letter from a man whom I never saw, and of whom I never heard. His name is John S. Greer, of Cambridge, Mass. He wrote me a letter with respect to this amendment. He said:

I have read with considerable interest of a bill which would limit the transfer of funds to Government agencies that have not been authorized by Congress. I heartily commend your action and hope that your amendment will have widespread support in Congress. I see in your action perhaps the beginning of a movement to restore to Congress some control over the unending stream of regulations that have been pouring out of Washington of late years.

Of course this businessman could not know that Republican Senators, almost in a body, would vote to keep this unending stream of regulations pouring out of Washington, and to keep inviolate in

the hands of the bureaus of the Government the powers which they have always had. They go up and down the land making political speeches denouncing bureaus and agencies, and excess Executive power, but when it comes to the test in the Senate, and the roll is called on a vote, where are all their words? They are as empty as the winds that have gone in the years that are past. They speak one way on the stump and vote another way when the test is put to them in the Congress. They try to catch votes by attacking the bureaus which are harassing business in the country, but when it comes to voting, they vote to keep them in power, to get other votes, even if the Congress of the United States has never appropriated one dime for the maintenance of such agencies and they have never received any legislative sanction. If there has ever been any demonstration of politics at its worst, we have just seen it here. Men who spend their time denouncing bureaus and bureaucracy, now vote to uphold and sustain them.

To return to the letter:

I do not believe that any regulations imposed by Congress can be unduly biased or unfair.

I know nothing about this gentleman or his political affiliations. He had no idea that the Republicans were going to vote almost solidly to sustain these regulations, whether they were unbiased or unfair, or whatever they might be.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I will yield as soon as I have concluded reading the letter. The writer continues:

Unfortunately, this cannot be said of most of the rules, regulations, etc., imposed upon us by the administrative agencies. I sincerely hope that Congress will now recover for itself the power and authority it formerly used in order that we may have more balanced government from Washington.

I hope Senators will listen to this. Talk about the colored issue. Here is a letter from Massachusetts about the Fair Employment Practice Committee. The writer brought this subject up himself:

By all means, do what you can to eliminate the Fair Employment Practice Committee. We, like most other industrial firms, have been annoyed on many occasions by the stupidity of this committee; for example, such inexcusable things as demanding that we explain to them why our newspaper advertisement for help specified that the applicants for positions should bring their birth certificates with them, when the United States Employment Service recommended that we use this phrase in our advertisement in order to expedite the hiring of war workers. Your action is most encouraging. More power to you.

I now yield to the Senator from Wisconsin.

Mr. WILEY. Can the distinguished Senator tell us how many bureaus have been created by executive action?

Mr. RUSSELL. No. I stated at the outset of my remarks that I have not been able to obtain a complete list of them; but I desire to put the responsibility on the Comptroller General for seeing that all of them, without exception, come before the Congress of the

United States to ask for their appropriations.

Mr. WILEY. Would the Senator say there are 500?

Mr. RUSSELL. I do not think there are that many.

Mr. WILEY. One hundred?

Mr. RUSSELL. I think the Senator is probably getting a little warm. The number might be less than 100.

Mr. WILEY. Seventy-five?

Mr. RUSSELL. I do not know how many there are. I said that I found 18 which would come within the purview of this amendment, in my judgment.

Mr. WILEY. Eighteen?

Mr. RUSSELL. Yes.

Mr. President, we are living in a strange age. We hear of a great many combinations in political life. We see queer happenings in some of the party councils. Last time our friends across the aisle nominated a man who had been a Democrat on their ticket for President of the United States. I do not know all the ramifications of the national political picture at present. I do know that I have received letters from a great many organizations, both pro and con, on this amendment. I do not know all the powers which were at work, which might have caused it to be so overwhelmingly adopted, but I do find that the Communist Party of the District of Columbia, in a letter addressed to me under date of March 8, has denounced this amendment and demanded that the President's Committee on Fair Employment Practices be eliminated from the purview of this amendment. I ask that the letter from the Communist Party demanding that this agency be specifically removed from the provisions of this amendment be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMUNIST PARTY,

District of Columbia, March 8, 1944.

Senator RICHARD RUSSELL,
Senate Office Building, Washington, D. C.
DEAR SIR: The following resolution was adopted unanimously at the last meeting of the Stanton Park Communist Club on March 2, 1944:

"Whereas the President's Committee on Fair Employment Practices has done a great deal to eliminate discrimination in the vital war industries of our country, and has proved to be one of the most valuable agencies to the entire war effort; and

"Whereas the Senate Appropriations Committee is considering favorably an amendment preventing the transfer of funds by the President to any agency which has been in existence for a year or more; and

"Whereas the local newspapers have reported that Senator RUSSELL admitted that the purpose of this amendment was to smash the F. E. P. C.: Therefore be it

"Resolved, That we, the members of the Stanton Park Communist Club, join with millions of our fellow-citizens in protesting against this vicious amendment and in demanding of the Senate Appropriations Committee that it be permanently shelved."

Respectfully,

JAMES P. BRANCA,
City Chairman.

Mr. WALSH of Massachusetts. Mr. President, will the Senator tell us who signed the letter—

Mr. RUSSELL. The letter is signed by James P. Branca, city chairman of the Communist Party of the District of Columbia, with headquarters at 527 Ninth Street NW.

Mr. WALSH of Massachusetts. I was interested in the name of the writer of the letter from Cambridge.

Mr. RUSSELL. His name is Mr. Don S. Greer, treasurer of J. W. Greer Co., manufacturers of confectioners' and bakers' machinery. I know nothing about the concern.

Mr. WALSH of Massachusetts. It is a large business establishment.

Mr. RUSSELL. Mr. President, there is at least one issue which, so far as most of the campaign oratory this fall is concerned, should in all good faith be eliminated. After the vote which has just been had I do not see how any Republican can, with any degree of good faith, go before the country and denounce the Democratic Party for creating bureaucracy when by their votes they are insisting that bureaus created by Executive order shall continue to harass the people of the United States. This vote is a challenge to the good faith of all of those who have been resorting to attacks on bureaus and bureaucracy. More will be heard of it in the days to come.

Mr. JOHNSON of Colorado. Mr. President, I move that the vote just taken be reconsidered. I was called out of the Chamber by a constituent, Mr. Harry G. Worsham, who desired to speak to me, and when I left the Chamber the Russell amendment was under consideration. When I returned to the Chamber, while the yeas and nays vote was being taken, I supposed that we were voting on the Russell amendment. I inadvertently voted "yea," and I therefore move that the vote by which the amendment of the Senator from Delaware [Mr. BUCK] to the committee amendment on page 74, line 22, was agreed to, be reconsidered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado [Mr. JOHNSON]. [Putting the question.]

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). Making the same announcement concerning my pair that I made heretofore, I withhold my vote.

Mr. MAYBANK (when his name was called). On this question I have a pair with the junior Senator from New York [Mr. MEAD]. If he were present and at liberty to vote he would vote "nay." If I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral. I am advised that if present and voting, he would vote "nay."

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from

Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Washington [Mr. BONE] is detained in one of the Government departments on matters pertaining to the State of Washington.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], and the Senator from Louisiana [Mr. ELLENDER] would vote "yea," and that the Senator from Illinois [Mr. LUCAS], the Senator from Pennsylvania [Mr. GUFFEY], and the Senator from Rhode Island [Mr. GREEN] would vote "nay."

The Senator from Idaho [Mr. CLARK], the Senator from New York [Mr. MEAD], the Senator from Rhode Island [Mr. GERRY], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent.

The Senator from Indiana [Mr. JACKSON] is absent on official business. I am advised that if present and voting, he would vote "nay."

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present he would vote "nay."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAIT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee. If present he would vote "nay."

The Senator from Indiana [Mr. WILLIS] is detained on official business.

The result was announced—yeas 30, nays 28, as follows:

YEAS—30

Andrews	Gillette	Overton
Bailey	Hill	Reed
Ball	Holman	Russell
Bankhead	Johnson, Colo.	Shipstead
Byrd	McClellan	Smith
Chandler	McFarland	Stewart
Clark, Mo.	McKellar	Thomas, Idaho
Connally	Maloney	Tydings
Eastland	Millikin	Walsh, Mass.
George	O'Mahoney	Wheeler

NAYS—28

Aiken	Burton	Downey
Austin	Bushfield	Hawkes
Barkley	Butler	La Follette
Brewster	Capper	Langer
Bridges	Danaher	McCarran
Buck	Davis	Radcliffe

Robertson	Wagner	Wiley
Thomas, Utah	Weeks	Wilson
Tunnell	Wherry	
Vandenberg	White	

NOT VOTING—38

Bilbo	Gurney	O'Daniel
Bone	Hatch	Pepper
Brooks	Hayden	Revercomb
Caraway	Jackson	Reynolds
Chavez	Johnson, Calif.	Scrugham
Clark, Idaho	Kilgore	Taft
Cordon	Lucas	Thomas, Okla.
Ellender	Maybank	Tobey
Ferguson	Mead	Truman
Gerry	Moore	Wallgren
Glass	Murdoch	Walsh, N. J.
Green	Murray	Willis
Guffey	Nye	

So the motion of Mr. JOHNSON of Colorado to reconsider was agreed to.

Mr. WILLIS subsequently said: Mr. President, when the vote was taken to reconsider the amendment offered by the Senator from Delaware [Mr. BUCK] I was absent from the Chamber on official business. I should like to have the RECORD show, in the proper place, that had I been present I should have voted against the motion to reconsider, and should have voted in favor of the amendment of the Senator from Delaware, which would be in accord with my former record.

The VICE PRESIDENT. The question now recurs on agreeing to the amendment of the Senator from Delaware [Mr. BUCK] to the committee amendment on page 74, line 22.

Mr. MALONEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. MCFARLAND (when his name was called). On this vote I have a pair with the junior Senator from New York [Mr. MEAD]. In his absence I withhold my vote. If I were permitted to vote I should vote "nay," and if present and voting the Senator from New York would vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral. I am advised that if present and voting, he would vote "yea."

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Indiana [Mr. JACKSON] is absent on official business. I am advised that if present and voting, he would vote "yea."

The Senator from Washington [Mr. BONE] is detained in one of the Government departments on matters pertaining to the State of Washington.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from

Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], and the Senator from Louisiana [Mr. ELLENDER] would vote "nay," and that the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], and the Senator from Illinois [Mr. LUCAS] would vote "yea."

The Senator from Idaho [Mr. CLARK], the Senator from New York [Mr. MEAD], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] is necessarily absent. If present he would vote "yea."

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAIT] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is detained on official business.

The result was announced—yeas 26, nays 33, as follows:

YEAS—26

Aiken	Davis	Tunnell
Austin	Downey	Vandenberg
Barkley	Hawkes	Wagner
Brewster	La Follette	Weeks
Buck	Langer	Wherry
Burton	McCarran	White
Butler	Maloney	Wiley
Capper	Radcliffe	Wilson
Danaher	Thomas, Utah	

NAYS—33

Andrews	George	Overton
Bailey	Gerry	Reed
Ball	Gillette	Robertson
Bankhead	Hill	Russell
Bridges	Holman	Shipstead
Bushfield	Johnson, Colo.	Smith
Byrd	McClellan	Stewart
Chandler	McKellar	Thomas, Idaho
Clark, Mo.	Maybank	Tydings
Connally	Millikin	Walsh, Mass.
Eastland	O'Mahoney	Wheeler

NOT VOTING—37

Bilbo	Hatch	Pepper
Bone	Hayden	Revercomb
Brooks	Jackson	Reynolds
Caraway	Johnson, Calif.	Scrugham
Chavez	Kilgore	Taft
Clark, Idaho	Lucas	Thomas, Okla.
Cordon	McFarland	Tobey
Ellender	Mead	Truman
Ferguson	Moore	Wallgren
Glass	Murdoch	Walsh, N. J.
Green	Murray	Willis
Guffey	Nye	
Gurney	O'Daniel	

So Mr. BUCK's amendment to the amendment of the committee was rejected.

Mr. BUTLER subsequently said: Mr. President, on the amendment offered by

the junior Senator from Delaware [Mr. BUCK], I was present in the Chamber and voted "yea" both times. I did not notice the fact that my name was omitted in the recapitulation of the vote the second time. I should like to have the RECORD show that I voted "yea."

The VICE PRESIDENT. Without objection, the RECORD will show that the Senator from Nebraska voted "yea" on both occasions.

The question is on agreeing on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. BRIDGES. Mr. President, I move to amend in line 22, page 74, by striking out the words "established by Executive order", and on line 25 to strike out the word "or" and insert the word "and."

This amendment would make the so-called Russell amendment all-inclusive, and inasmuch as we have done some reconsidering and are going to include every agency created by Executive order, let us go all the way and include all organizations and corporations under Government control.

Mr. TYDINGS. Mr. President, may we have the amendment stated? It was difficult, because of the noise in the Senate Chamber, to follow the words when the Senator read the amendment.

Mr. McKELLAR. I hope it may be stated. I did not hear it.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 74, line 22, it is proposed to strike out the words "established by Executive order", and on line 25 to strike out "or" and insert "and."

Mr. TYDINGS. There are two "ors" in line 25. Which one is the Senator eliminating, the first one or the last one?

Mr. BRIDGES. The last one, after the word "instrumentality."

Mr. RUSSELL. I did not understand where the last insertion was to be.

Mr. BRIDGES. On line 25, after the word "instrumentality", to strike out the word "or" and insert the word "and."

Mr. RUSSELL. Mr. President, I know the difficulties we encounter when we attempt to get information in regard to these governmental agencies, and I make bold to ask the Senator from New Hampshire if he can give us some illustrations of the type of agency to which he would attempt to apply the amendment.

Mr. BRIDGES. If the Senator will refer to the House hearings, at page 807, he will find there has been inserted a list of Government corporations as of December 15, 1943, and there is an analysis showing whether or not they are subject to control by Congress.

Mr. TYDINGS. Will the Senator name some of them so that we may get a line on what the agencies are?

Mr. BRIDGES. The American President Lines, Ltd. Congress has no control over its administrative expenditures.

Mr. AIKEN. Will the Senator yield?

Mr. BRIDGES. I yield.

Mr. AIKEN. I may say to the Senator from New Hampshire that it is said that organization is not audited by the Comptroller General's Office because it

is owned by the Maritime Commission. About 90 percent of the stock is so owned.

Mr. BRIDGES. The Senator says it is not audited by the General Accounting Office?

Mr. AIKEN. Yes.

Mr. BRIDGES. According to the House hearings, the official testimony, that does not appear to be so.

Mr. AIKEN. The notation says:

No accounts submitted to the General Accounting Office, but books and records examined in connection with Maritime Commission audit.

Incidentally, the Maritime Commission audit simply proved that they could not tell anything by the books and balance sheets. So perhaps we might say it was not audited effectively and efficiently; but it was audited the best the General Accounting Office could audit it.

Mr. BRIDGES. I read from the list:

Banks for cooperatives, Central Bank for Cooperatives, District banks for cooperatives; Cargoes, Inc.; Colonial Mica; Copper Recovery Corporation; Defense Homes Corporation; Defense Plant Corporation; Defense Supplies Corporation; Disaster Loan Corporation.

Mr. TYDINGS. Will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. TYDINGS. I am not well advised as to this matter, being taken more or less by surprise by the recital of all these agencies, but my impression is that some of those the Senator is naming are authorized under act of Congress, not directly, but the activities themselves are authorized, and appropriations are made for the agencies. These agencies are entities, as I understand, carrying out specific grants of power by Congress. If I am wrong in that, I should like to be corrected.

Mr. BALL. Mr. President, I think most of these organizations are subsidiary corporations of the R. F. C. which are created pursuant to authority granted by Congress; but I do not think Congress ever specifically authorized their creation. For instance, there is the Petroleum Reserves Corporation. The R. F. C. has authority to create such a corporation, but I do not think Congress ever provided for it.

Mr. TYDINGS. Is it correct to state what I understand to be the case, that authority was given by Congress to the R. F. C. to do certain specific things, that Congress did not of course name the agencies by which those things should be translated into action, but the R. F. C. has set them up itself? What I am concerned about is whether Congress did give the R. F. C. the general power to administer the functions which these agencies are administering.

Mr. BALL. I think most of them are authorized in the act. I rather question whether some of the functions they have carried on are authorized, such as paying food subsidies.

Mr. TYDINGS. I think it might be that for what the Senator from New Hampshire desires to accomplish he could obtain support, but at the moment it appears to me that to take a broadsword and go into this matter without a little clearer definition, or knowing what in

general Congress has done in the war effort, might wreck the whole thing.

Mr. BRIDGES. It seems to me to be very clear that Congress should have supervision over the administrative expenditures of these various corporations which are authorized and controlled by the Government. We have heard the Senator from Georgia [Mr. RUSSELL] and others who have made very impassioned speeches here today. The amendment of the junior Senator from Georgia is sound, it is in the right direction, but let us go all the way and take in these additional corporations and let Congress have control all along the line.

Mr. RUSSELL. Mr. President, I have no objection to the amendment of the Senator from New Hampshire except that portion which changes the word "or" to "and" in line 25 on page 74. If the Congress has specifically authorized the expenditure of funds I believe we ought not to undertake to repeal the act of Congress. I am perfectly willing to let the provision apply to all agencies which have to come before Congress to obtain appropriations, but where the Congress has specifically authorized the expenditure of funds by a corporation, such as the T. V. A., I do not think we ought to change the law. I am willing to accept the Senator's amendment, to take in all agencies, whether created by Executive order or otherwise, but where the Congress has specifically authorized the expenditure of funds I do not think we should undertake to repeal such authorization in this haphazard fashion. I am perfectly willing, however, to include all the other agencies the Senator has suggested.

Mr. BRIDGES. Mr. President, will the Senator please explain what he is willing to accept, and what he is not willing to accept?

Mr. RUSSELL. I have no objection to eliminating the words "established by Executive order." I think that will accomplish what the Senator has indicated he desires to do because what we want to do is to make all these agencies accountable to Congress. If the words "established by Executive order" are eliminated, it will bring all these agencies to the point where we will either appropriate specifically for them or specifically authorize expenditures. I think that is going far enough.

Mr. DANAHER. Mr. President, will the Senator yield to me?

Mr. BRIDGES. I yield.

Mr. DANAHER. To reach the purpose the Senator from Georgia has in mind, and which obviously is in accordance with the views expressed by the Senator from New Hampshire, if, in line 22, instead of striking out the words "established by Executive order" there were inserted after the word "instrumentality" the words "including those", so as to read "instrumentality including those established by Executive order", the change in line 25 to which the Senator from Georgia objects would not be needed, and everything as to which both Senators are now in accord would be effectuated. Is that not so?

Mr. RUSSELL. I think the quick mind of the Senator from Connecticut has sug-

gested an amendment that will solve the whole matter.

Mr. BRIDGES. I will modify my amendment accordingly.

The VICE PRESIDENT. The amendment as modified will be stated.

The LEGISLATIVE CLERK. Mr. BRIDGES' amendment, as modified, is on page 74, line 22, after the word "instrumentality," to insert the words "including those."

Mr. BALL. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. BALL. I am seeking information. Will that make all the subsidiary corporations which R. F. C. has created come annually before the Appropriations Committee or some other committee to receive specific authorization?

Mr. BRIDGES. That is what I desire to have them do.

Mr. DANAHER. Mr. President, will the Senator again yield to me?

Mr. BRIDGES. Yes.

Mr. DANAHER. It would be my expectation that it would not do any such thing, I hasten to say. If the Senator from New Hampshire thinks that by modifying the amendment by adopting my language, it would force R. F. C. to come before Congress for an appropriation, I wish to say to him that it will not. Those corporate agencies are in a different status, and they ought to be, and if in fact the Senator wishes to define a policy which will reach Government corporations which are authorized specifically to borrow from the Treasury, neither the language as it was reported by the committee, nor the language suggested by the Senator from New Hampshire, nor the language which I offered by way of a modification, would reach such corporate agencies.

On the other hand, all those that are set up as agencies are instrumentalities, and all those that are set up under existing law or by Executive order would come squarely within the intentment of the committee amendment if it be modified as I suggested to the Senator from New Hampshire.

Let me say, Mr. President, that it seems to me to be wise that the Senator from New Hampshire accept the modification. I will say further that I am in accord with him that some of these days we ought to take affirmative action with reference to the definition of a policy or at least a review of the authorization in execution of the policy which we have hitherto entrusted to the Reconstruction Finance Corporation and all of its class 5-d subsidiaries. But that is not involved in an appropriation bill. It clearly is not involved in this bill.

Therefore, Mr. President, I respectfully appeal to the Senator from New Hampshire to go as far as he properly can in this amendment, and let the matter of corporation authorizations be reviewed in subsequent action.

I will conclude with one further observation. We do have such corporations as the Commodity Credit Corporation, which has been specifically set up by the Congress with a list of purposes and objectives clearly stated in the enabling or the creating act. We have another class of corporations, however, which are the

5-d corporations which R. F. C. can set up in its own office, and those are the ones against which the Senator from New Hampshire no doubt would inveigh and which he hopes to reach. But this language would not do that.

I also think that in due course we ought to review the entire set-up with reference to these corporate creatures. I was simply trying by way of explanation of my own thought on this subject to assist other Senators who do not understand what I had in mind when I suggested to the Senator from New Hampshire a modification of his language.

Mr. AIKEN. I wish to say to the Senator from New Hampshire that it seems to me the weakness in congressional control over these created agencies, the children and the grandchildren of agencies that have been authorized, is due to the fact that we have never authorized an official audit of any of them, and if the Senator will look on his desk he will find that I have submitted an amendment which I expect to call up shortly which will provide for an official audit of all these agencies, whether authorized directly by the Congress or created by another agency that has been authorized by the Congress.

I agree with the Senator from Connecticut. His suggestion is about as far as it seems to me it would be safe to go. I am in full sympathy with the intent of the Senator from New Hampshire as to controlling these agencies which have been created, it might be said, promiscuously, but we do not want to take a chance on going too far. Therefore it appears to me that the suggestion of the Senator from Connecticut is a good one.

Mr. WHEELER. Mr. President, I am frank to say that I cannot agree entirely with the Senator from Connecticut. The language of the proposed section 213 is—

No part of any appropriation or fund made available by this or any other act shall be allotted or made available to, or used to pay the expenses of, any agency or instrumentality.

A corporation set up by one of these agencies is certainly an instrumentality. If they have set up corporations I think they would come within the meaning of the term "instrumentality." What else is a corporation which is set up by the R. F. C. but an instrumentality to carry out some purpose of the R. F. C.?

Mr. DANAHER. Mr. President, will the Senator from New Hampshire yield to me so I may reply to the Senator from Montana?

Mr. BRIDGES. I yield.

Mr. DANAHER. I fully agree with the Senator from Montana that a corporation is an instrumentality. I further state that it is an instrumentality of government when it is set up under an authorization which Congress has granted. But the language in line 19 on page 74 is—

No part of any appropriation or fund made available by this or any other act.

That means no part of any appropriation or fund for such instrumentalities as those which would be affected.

Consequently corporations which we have authorized to be created and to be

capitalized by borrowing from the Treasury are in no way involved within the meaning of that language. Moreover, I will say to the Senator from Montana, if I may do so, I do not think they should be.

Mr. WHEELER. Perhaps I misunderstood the Senator, Mr. President. I say that a corporation set up by the R. F. C. is an instrumentality of the R. F. C.

Mr. DANAHER. I agree. It is an instrumentality of the Government.

Mr. WHEELER. Yes.

Mr. DANAHER. I agree to that.

Mr. WHEELER. If such a corporation is borrowing money from the R. F. C. without coming to the Congress for authority for that purpose, I say the language is broad enough to cover it. If the Congress authorizes the setting up of a separate corporation, that may be different. But I certainly cannot follow the construction placed upon the language by the Senator from Connecticut. I think the language is broad enough to cover such corporations, and I think it should cover them. I do not think the R. F. C. should be permitted to set up a corporation, and then give it money, without coming to the Congress and saying what the money is for. I think we should put a stop to such a practice. If there is any question about it, I think that should be done, and words to do it should be written into the bill at this time.

Mr. DANAHER. Mr. President, let me further reply by saying that I agree there should be an overhauling of the powers which have hitherto been granted to corporations. I am even willing to agree that some corporations which have been created have thereafter exceeded any authorization or purposes the Congress had in mind. But this bill is not the place on which to provide for an overhauling of all the corporate powers of corporations Congress has authorized.

In the Committee on Banking and Currency we very often deal with such matters, and on many occasions we have had opportunity to review requests by the R. F. C. or other agencies for increases in the authorizations as to their borrowing power. But, Mr. President, if it is borrowing power, clearly an appropriation is not involved. Clearly, if we are dealing with appropriations, and if we intend to place a limit on the appropriations in the pending bill, we may and we should limit the circumscription of this particular section to appropriations, not to corporations. That is the way I look at it, in any case; and I believe that is as far as we should go at this time.

Mr. WHEELER. Mr. President, perhaps I misunderstood the Senator. I understand that his idea is that the language is limited to corporations referred to in this particular bill.

Mr. DANAHER. Or in any other bill or act. In line 20 the words "or any other act" appear. It obviously applies to the agencies or instrumentalities over which Congress does have power, which it has authorized, and for which an appropriation has been provided. Consequently, we simply say we wish to have a chance to review the policy involved, so far as corporations created by Executive order are concerned, in addition to

those for which we appropriate directly. That is all the amendment does. It may not go as far as the Senator from Montana would like to have it go, but I say that is as far as it goes.

Mr. WHEELER. I still say, with regret, that I am unable to follow the logic of the Senator from Connecticut with reference to the matter. In connection with the interpretation of the language, if the words "established by Executive order" were included, I think that would cover the matter. I may be wrong, but that is my own interpretation.

Mr. BRIDGES. Mr. President, as I understand the pending issue, I accepted the amendment to the amendment offered by the Senator from Connecticut, which provided that, after the word "instrumentality," the words "including those" be inserted, so that the language would read, "including those established by Executive order."

Mr. RUSSELL. And the same amendment would be made on page 75, in line 2.

Mr. BRIDGES. Yes.

Mr. RUSSELL. I have no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire, as modified.

The amendment, as modified, was agreed to.

FEDERAL AID FOR READJUSTMENT OF VETERANS IN CIVIL LIFE

Mr. McCARRAN. Mr. President, I must leave the Chamber in just a moment. Following the conclusion of the consideration of the bill now before the Senate, I am advised that Senate bill 1767 is to come up for consideration. That is the ex-servicemen's bill, or the veterans' bill, in charge of the senior Senator from Missouri [Mr. CLARK]. I had intended, when the bill was before the Senate, to offer three amendments to it. I do not intend to hold up, even to the extent of having the Senate consider the amendments at this time, action on the pending bill. Inasmuch as I must leave the Chamber now, I wish to obtain unanimous consent that the three amendments may be printed in the RECORD, with the understanding that I may at a later time offer the amendments as separate amendments to the bill. I wish the RECORD to show that if I were present during the consideration of the bill, I would vote for it in its present form.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. McCARRAN to the bill (S. 1767) to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans, viz: On page 5 after line 10, insert a new section as follows:

"Sec. 106. The Servicemen's Dependents Allowance Act of 1942, as amended, is hereby amended by adding six new sections to title I thereof to be numbered 122, 123, 124, 125, 126, and 127, to read as follows:

"Sec. 122. Upon receipt of an official report of the death of a member of the active military or naval forces as a result of injury or disease incurred in or aggravated by such service, the Secretary of War or the Secretary

of the Navy, as the case may be, shall notify the Administrator of Veterans' Affairs (hereinafter referred to as the Administrator) thereof, and shall certify to the Administrator, (1) the date of death of such member, (2) the fact that the death was the result of injury or disease incurred in or aggravated by military or naval service, (3) the names, addresses, and relationship of any dependents of such member, who, at the time of his or her death, were being paid monthly family allowances under this act, (4) the amount or amounts of any such monthly allowances being paid to each of such dependents, (5) the date on which any such allowances will terminate as provided in section 123, and (6) any other information necessary for the Administrator to perform the duties required of him by this act.

"Sec. 123. The Secretary of War or the Secretary of the Navy, as the case may be, are hereby authorized and directed to continue the payment of any monthly family allowances to the dependents of such deceased member for a period of 1 month following the termination of such allowances as provided in section 107 (b).

"Sec. 124. Upon receipt of the notification and certificate provided for in section 122, the Administrator is hereby authorized and directed to determine, automatically and without application therefor, whether any of such dependents are entitled to any pension or compensation under laws administered by the Veterans' Administration, and the exact amount or amounts thereof, if any. Pending such determination the Administrator is hereby authorized and directed (commencing with the month following the payments provided for in sec. 123) to pay to such of the dependents of the deceased member having such relationship to him or her as might entitle them to a pension or compensation under laws administered by the Veterans' Administration, the full amount or amounts of such monthly family allowances as certified to the Administrator by the Secretary of War or the Secretary of the Navy under section 122, until he shall have made the determinations provided for in this section as to any pension, compensation, and the amount or amounts thereof. Notwithstanding the provisions of any other law, any pension or compensation awarded such dependents under this section shall become effective after the termination of the payment of any monthly family allowances provided for in this section: *Provided*, That section 112 of this title shall apply to payments of monthly family allowances made by the Administrator under the provisions of this section.

"Sec. 125. Nothing in this act shall be construed to (1) curtail any right of any such dependent (after any award of pension or compensation is made) to appeal from the determination and finding of the Administrator made as directed in section 124; (2) prevent the Administrator from subsequently reopening the case and making any other determination or finding with respect thereto; or (3) prevent any such dependent from waiving any pension or compensation or other benefit after such determination and finding has been made by the Administrator.

"Sec. 126. The Secretary of War, the Secretary of the Navy, and the Administrator are authorized jointly and severally to prescribe such regulations as they may deem necessary to enable them to carry out the provisions of sections 122, 123, 124, 125, and 127 and to delegate to such officers and employees of their respective departments as they may designate any of their functions.

"Sec. 127. Appropriations heretofore made for the Veterans' Administration "Salaries and expenses, medical and hospital, and compensation and pensions," shall be available for necessary expenses in carrying out the purposes of section 124; and there is hereby

authorized to be appropriated such additional amount or amounts as may be necessary to accomplish the purposes of that section."

Amendment intended to be proposed by Mr. McCARRAN to the bill (S. 1767) to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans, viz: At the end of title II, page 19, insert the following new sections:

"Sec. 404. Every veteran, excepting commissioned officers whose base pay exceeds \$200 per month, shall be credited with mustering-out pay as provided in section 402. Such credit shall be made as of the time of discharge or relief from active duty of such veteran.

"Sec. 405. Mustering-out pay shall be determined according to length of service prior to discharge or relief from active duty, as follows: For service less than 3 months, \$150; for service more than 3 months but less than 6 months, \$300; for service more than 6 months but less than 9 months, \$450; for service 9 months or more, \$600.

"Sec. 406. One-sixth of the amount of mustering-out pay credited to any veteran, or \$50, whichever is greater, shall be paid at the time of discharge or relief from active duty of such veteran, or on the first day of the second calendar month next following approval of this act, whichever shall last occur; similar payments shall be made at consecutive monthly intervals thereafter, until the full amount of mustering-out pay credited to such veteran shall have been paid.

"Sec. 407. Payments as provided in section 403 shall be made to the veteran, if living. In the case of a veteran who shall die before receiving the full amount of mustering-out pay credited to him, any payment due under section 403, subsequent to his death, shall be made to his surviving widow, if any; and if he shall leave no surviving widow, then in equal shares to his surviving minor children, if any; and if he shall leave no surviving widow or minor children, then in equal shares to his surviving parents, if any; and if he shall leave no surviving widow, minor children, or parents, then to his executor or administrator for the benefit of his estate.

"Sec. 408. The Secretary of War and the Secretary of the Navy shall administer this title within their respective services."

Amendment intended to be proposed by Mr. McCARRAN to the bill (S. 1767) to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans viz: At the end of title III, page 26, insert the following new chapter:

"CHAPTER VI—VETERANS' LOANS

"Sec. 600. That as used in this title—

"(a) The term 'veteran' means any person who was in the military service of the United States, as defined in section 101 (1) of the Soldiers' and Sailors' Relief Act of 1910, at any time during the period beginning on December 7, 1941, and ending on the date of the cessation of hostilities in the present war as proclaimed by the President, and who shall have been honorably discharged from such service; or any person who served in the Women's Army Auxiliary Corps and who shall have been honorably discharged for disability incident to such service.

"(b) The term 'veterans' loan' means a loan made by a lending agency to a veteran pursuant to the provisions of this act for the purpose of enabling such veteran to retire indebtedness owed by him on the date of his discharge from the service.

"(c) The term 'lending agency' means any banking institution the deposits of which are insured by the Federal Deposit Insurance Corporation, any Federal savings and loan association organized pursuant to the provisions of section 5 of the Home Owners' Loan Act of 1933, as amended, and any building and loan association which is a member of a Federal home-loan bank.

"(d) Masculine pronouns shall be taken to include the feminine, the singular to include the plural and the plural to include the singular.

"Sec. 601. (a) Upon receipt of an application in such form as may be prescribed by the Reconstruction Finance Corporation (hereinafter referred to as the 'Corporation') pursuant to section 604 (a) of this act, filed by a veteran within 6 months after the date of his discharge from the service, or within 6 months after the date of enactment of this act, whichever is later, and upon execution by such veteran of a veteran's note in such form as may be prescribed by the Corporation pursuant to such section 604 (a), a lending agency is authorized to make a veteran's loan to such veteran in an amount not to exceed the amount of indebtedness and accrued interest thereon owed by such veteran on the date of his discharge as evidenced in the manner prescribed in subsection (c) of this section; but in no case shall the amount of such loan exceed \$1,000.

"(b) Such veteran's loan shall be on the monthly installment plan, repayment to begin 6 months after the date of execution of the loan. Veterans' loans shall bear interest at the rate of 6 percent per annum on the unpaid portion of the obligation. No veteran's loan shall be made for a period longer than 3 years; but if made for a shorter period, any veteran's loan may be refinanced, in the discretion of the lending agency, by extension of payments, without impairing the obligation of the Corporation under section 604 (a) of this act: *Provided*, That under any refinancing plan agreed to, equal monthly installments shall be required, and provision shall be made for complete discharge of the entire obligation, including interest, not later than 3 years from the date of the veteran's loan. Acceleration of installments on a veteran's loan shall not be permitted by the lending agency unless the loan is more than 3 months in arrears, except that the lending agency may accept whole or partial settlement of any veteran's loan, without regard to prescribed installments, in any case where the lending agency has good reason to believe that the veteran's loan was procured wholly or in part by fraud.

"(c) Any application for a veteran's loan shall be accompanied by satisfactory evidence of the honorable discharge of the applicant by a list of present and certain future benefits due the applicant from the Government of the United States, or from any of its departments or agencies, at the time of the application, and by a certified list of creditors showing the amounts owed by such applicant as of the date of such discharge; and shall comply with such other requirements as may be provided in accordance with section 604 (a) of this act. No security, endorsers, or comakers shall be required with respect to any such loan. The obligation of the Corporation to purchase, as provided in section 602, shall not be created in the case of any borrower who is not in fact a veteran.

"(d) Within 5 days after making any veteran's loan, the lending agency shall give notice thereof, in such form as shall be provided in accordance with section 604 (a) of this act, to the Corporation and to all Government departments and agencies from which benefits are due or to become due the applicant, according to the list filed by the applicant with his application, as provided in subsection 601 (c) of this act.

"Sec. 602. The Corporation shall agree to purchase from the lending agency any note legally executed by a veteran for the purpose of securing a veteran's loan, in full compliance with the provisions of section 601 and subsection 605 (a) of this act, which remains unpaid for 30 days after the date of maturity

thereof, or on which installments are more than 3 months in arrears, at a price equal to the unpaid portion of such note and any interest accrued and unpaid thereon: *Provided*, That in any case in connection with which the lending agency is guilty of fraud or gross negligence, the Corporation shall not be obligated under this section. As consideration for such agreement by the Corporation, the lending agency shall agree to pay to the Corporation an amount equal to 1½ percent per annum of the unpaid portion of such loan, to be payable at such time and in such manner as the Corporation may prescribe.

"Sec. 603. (a) Upon notice by the Corporation or by a lending agency that it is the holder of a note given by a veteran for the purpose of securing a veteran's loan under this act, any Government department or agency of the United States shall consider the amount of unpaid principal and interest thereon as a preferred lien on any pension, compensation, insurance, or other financial benefit accrued or thereafter accruing, under any of the laws administered by such department or agency, to such veteran or to his dependents or beneficiaries, and shall withhold from such accrued or accruing benefits, and remit to the Corporation upon demand, such amounts as will fully discharge such indebtedness: *Provided*, That the official having charge of the payment of any such benefits may, with the approval of the Corporation, release all or part of such benefits from the Corporation's lien, in any case where he determines such release is advisable because of the needs of the veteran, or his dependents or beneficiaries.

"(b) The special remedy provided by this section shall not be deemed exclusive.

"Sec. 604. (a) The Corporation is authorized and directed to prescribe and furnish to lending agencies forms of applications for veterans' loans under this act and of notes to be executed by veterans for the purpose of securing such loans, and to promulgate such rules and regulations as may be necessary and proper to enable it to carry out the provisions of this act, and such forms, rules, and regulations shall be uniform with regard to all veterans' loans.

"(b) The amount of notes, debentures, bonds, or other obligations which the Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by an amount sufficient to enable the Corporation to carry out the provisions of this act.

"Sec. 605. (a) Not more than one veteran's loan shall be made under the provisions of this act to any veteran, regardless of the amount of such loan, except that a veteran who has received a veteran's loan in a lesser amount than the maximum amount of the loan to which he is entitled under subsection 601 (a) of this act, but who is otherwise eligible for a veteran's loan, may apply for and receive a second veteran's loan: *Provided*, That the existence of the first veteran's loan shall be disclosed by the applicant to the lending agency to which application for a second veteran's loan is made, and that such lending agency shall make certain such first loan is paid in full, both as to principal and interest, from the proceeds of such second veteran's loan.

"(b) Any person who, having obtained a veteran's loan under this act, solicits, applies for, or accepts another such loan, except as provided in subsection 605 (a) of this act, and any person who knowingly and willfully furnishes any false or misleading information for the purpose of obtaining a veteran's loan, or of enabling another to obtain a veteran's loan, under this act, shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both."

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 4070) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended on page 74, beginning in line 19.

The amendment as amended was agreed to.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 30, line 3, after the sum, and before the period, it is proposed to insert the following: "*Provided*, That the Comptroller General shall designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Lindsay C. Warren, Comptroller General of the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, March 11, 1944.

Hon. KENNETH McKELLAR,
Acting Chairman, Committee on Appropriations, United States Senate.

MY DEAR MR. CHAIRMAN: I have the honor to submit for your consideration for inclusion in a pending appropriation bill carrying appropriations for the General Accounting Office the following proviso:

"*Provided*, That the Comptroller General shall designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices."

Section 302 of the Budget and Accounting Act, 1921, provides for an Assistant Comptroller General of the United States, who shall act as Comptroller General during the absence or incapacity of the Comptroller General, or during a vacancy in that office. Also, section 311 (e) of said act provides that all official acts performed by such officers or employees specially designated therefor by the Comptroller General shall have the same force and effect as though performed by the Comptroller General in person. Under authority of the latter provision, the Comptroller General from time to time has designated certain officers or employees of the General Accounting Office specially to perform certain duties imposed upon him by law. However, there is no clear authority for the designation by the Comptroller General of an employee to act as Comptroller General during the absence or incapacity of both himself and the Assistant Comptroller General, or during a vacancy in both offices.

The need for legislation of the character here proposed is apparent in the recent history of the General Accounting Office. During the period for July 1, 1936, to April 10, 1939, and for a considerable period in 1940, the office of Comptroller General was vacant. The then Assistant Comptroller General acted as Comptroller General, pursuant to law, but there was no other officer specifically authorized by law so to act in the event of his absence or incapacity or in the event he had resigned or retired or his term had ended. Individuals previously designated under section 311 (e) of the Budget and Accounting Act, 1921, could have continued to perform, in the name of the Comptroller General, the acts specified in their respective designations, but there would have been no one empowered to make new or additional delegations of authority or to perform the full duties of the office of Comptroller General.

General statutory provisions for temporary succession in emergencies have been made in the case of the heads of the executive departments of the Government and the bureaus and offices thereof. (See title 5, U. S. C., secs. 1 to 9.)

I am proposing enactment of this legislation as a part of a pending appropriation bill carrying appropriations for the General Accounting Office because it has seemed to me that the legislation requested herein is so clearly devoid of any objectionable features and so clearly and urgently needed to assure the continuous and complete operation of the General Accounting Office through any future emergency of the character sought to be guarded against that you and your committee might agree with me that it would be more economical and prompt if the authority sought can be obtained in that way rather than through the medium of a separate bill for the purpose.

I shall be glad to appear before your committee for the purpose of explaining this proposal further if you should desire me to do so. Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

Mr. BURTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BURTON. What disposition was made of the amendment to section 210, on page 73?

The VICE PRESIDENT. The amendment was agreed to, without debate.

Mr. BURTON. I move that the vote by which the amendment was agreed to be reconsidered. I should like to state the nature of the amendment, because I think a brief statement will enable the Senate to realize the reason why the vote by which the amendment was agreed to should be reconsidered.

The amendment is the one which involves the abolition of the civil service as it would affect positions with salaries of \$4,500 or more a year. The amendment would make all such positions subject to having the salaries paid only when the persons holding such positions were appointed by the President and confirmed by and with the advice and consent of the Senate. I believe the amendment should have consideration before the vote upon it is taken.

Therefore I move to reconsider the vote by which the amendment was agreed to.

Mr. McKellar. Mr. President, I am sure all Members of the Senate understood the amendment at the time when

it was agreed to. Consequently I see no reason for having the Senate reconsider the vote by which the amendment was agreed to. I move that the motion to reconsider be laid on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the motion of the Senator from Ohio that the vote by which the amendment to section 210, on page 73, was agreed to be reconsidered.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). Making the same announcement as I previously made, I withhold my vote.

The roll call was concluded.

Mr. BREWSTER. I have a pair with the Senator from New York [Mr. MEAD]. If he were present and at liberty to vote, he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Washington [Mr. BONE] is detained in one of the Government departments on matters pertaining to the State of Washington.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Oklahoma [Mr. THOMAS] would vote "yea."

The Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM], the Senator from New York [Mr. MEAD], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Utah [Mr. THOMAS] is detained in one of the Government departments on matters pertaining to the State of Utah.

The Senator from Indiana [Mr. JACKSON] is absent on official business.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. CORDON], the Senator from

South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee. If present, he would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The result was announced—yeas 31, nays 23, as follows:

YEAS—31

Andrews	Holman	Russell
Bailey	Johnson, Colo.	Smith
Bankhead	McClellan	Stewart
Bushfield	McFarland	Thomas, Idaho
Chandler	McKellar	Tydings
Clark, Mo.	Maloney	Walsh, Mass.
Connally	Maybank	Weeks
Danaher	Millikin	Wheeler
Eastland	Overton	Wherry
George	Reed	
Gerry	Robertson	

NAYS—23

Aiken	Capper	Shipstead
Austin	Davis	Tunnell
Ball	Downey	Vandenberg
Barkley	Hill	White
Bridges	La Follette	Wiley
Buck	Langer	Willis
Burton	O'Mahoney	Wilson
Butler	Radcliffe	

NOT VOTING—42

Bilbo	Guffey	Nye
Bone	Gurney	O'Daniel
Brewster	Fatch	Pepper
Brooks	Hawkes	Revercomb
Byrd	Hayden	Reynolds
Caraway	Jackson	Scrugham
Chavez	Johnson, Calif.	Taft
Clark, Idaho	Kilgore	Thomas, Okla.
Cordon	Lucas	Thomas, Utah
Ellender	McCarran	Tobey
Ferguson	Mead	Truman
Gillette	Moore	Wagner
Glass	Murdock	Wallgren
Green	Murray	Walsh, N. J.

So Mr. McKellar's motion to lay on the table Mr. BURTON's motion to reconsider was agreed to.

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. On page 15, line 20, after the figures "\$1,978,707", it is proposed to insert "of which not less than \$172,410 shall be available for the enforcement of the Wool Products Labeling Act."

Mr. HAYDEN. Mr. President, this is a repetition of the provision which was in the bill last year, and I think it ought to be contained in the bill this year. It is an earmarking of the amount of money which may be expended for the Truth in Fabrics Act.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 34, line 3, after the word "expenses", I move to strike out "\$500,000" and insert "\$655,000."

The budget of the Bureau of Valuation of the Interstate Commerce Commission for the fiscal year 1943 and 1944 amounted to slightly less than \$700,000, including the overtime pay of employees. The Bureau of the Budget recommended \$655,000 for the fiscal year 1944-45, a

reduction below the current year of approximately \$40,000. The House Appropriations Committee cut \$155,000 from the Budget figure, which resulted in the bill passing the House with a figure of \$500,000, and the Senate committee did not alter that amount.

It would appear from a perusal of the House report that this action was taken because the work of valuation in connection with the war activities of the Government was on a reimbursable basis. Further consideration of the matter would seem to indicate that this money was not utilized for the purpose of expanding the number of employees, but on the contrary was utilized to pay overtime, or was returned to the Treasury.

The Bureau of Valuation has conducted some very important valuation work for the Bureau of Yards and Docks in the Navy Department, for the Maritime Commission, and for some of the other agencies of government, in connection with a report. I am offering this amendment in order that the matter may have further consideration in conference. I hope the Senator from Tennessee will be willing to take it to conference.

Mr. McKELLAR. Under the circumstances stated by the Senator from Wisconsin, I shall be glad to take the amendment to conference.

Mr. LA FOLLETTE. I greatly appreciate the Senator's statement.

Mr. President, I shall conclude by asking unanimous consent to have printed in the RECORD, as a part of my remarks, sundry letters from various agencies involved, by which the Valuation Division of the Interstate Commerce Commission has done this special war evaluation work.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., April 3, 1943.

HON. CAROL MILLER,
Commissioner in Charge of Valuation, Interstate Commerce Commission, Washington, D. C.

MY DEAR COMMISSIONER: I have learned informally that there is a possibility of curtailing the personnel in your Bureau of Valuation. This information coming at this time is of great concern to me and which I personally feel would cripple the Navy's war effort or at least force such a radical change and departure in our methods of doing business that our costs would be greatly increased and we would be forced to augment our personnel.

As I presume you are aware, in its land program the Navy Department has refrained from building up a large appraisal organization. It has been able to do so because of the fact that it has had the resources of the Interstate Commerce Commission's Bureau of Valuation at its command. We have been able to limit our field force to 19 men only because we can have and have had recourse to the facilities and information in the some twenty-odd offices of your Bureau spread throughout this country. If those offices are not staffed we have to replace them. Of course, with the tempo with which this war has of necessity to be conducted we are under the urgent need of speed in the ascertainment of values, first, in justification of programs calling for the expenditure of public funds and, second, though not less important, the public duty

of making prompt and just payment for properties expropriated.

I feel very strongly on this subject. All of the men who are associated with me feel very much of the same mind—that to dry up this source of valuation information would be a wasteful and dangerous thing to do.

While I have no wish to intrude myself nor again to burden you with a long letter on the subject, I would be very glad to explain to you our valuation problem in terms of volume and amounts involved, and I believe that you would be quite convinced that any change in the relatively small number of people in your Bureau's Valuation Section would be a serious handicap to us in our land-acquisition work.

I would like to call attention further to the fact that under the new Naval Appropriation Acts all proposals for land acquisition since the 1st of March or for leasehold interests must have the prior approval of the two Naval Affairs Committees of the Congress. In the past 3 weeks, therefore, we have monopolized the time of three of your men obtaining information required by the Congress.

With this short statement and your knowledge of the complexity of naval operations throughout the country, I think you have some idea of what would be involved if your offices would be curtailed or closed. We would have to duplicate the information and duplicate the men. Neither seems advisable and either one or both would involve delays and expense to the United States.

Not the least important part of the present set-up is the independence of your appraisers and appraisal data from any suggestion of control or influence by any other Department. Our experience in court has been that by reason of their independent set-up, I. C. C. appraisers are highly respected and their opinions exceedingly valuable for the guidance of both courts and juries in determination of valuation.

Before any changes are made, in the public interest and for the good of us all in this war effort, I hope you will give me a chance to more fully explain and elaborate upon our part of this whole picture and demonstrate the effect it will have upon this organization.

Respectfully,

JOHN J. COURTNEY,
Head of Real Estate Division.

EXHIBIT 2

UNITED STATES MARITIME COMMISSION,
Washington, December 18, 1943.

HON. CARROLL MILLER,
Member, Interstate Commerce Commission,
Washington, D. C.

DEAR MR. COMMISSIONER: It has come to the attention of the Maritime Commission that there is a possibility that the working force of the Bureau of Valuation of the Interstate Commerce Commission may be reduced. The Maritime Commission sincerely hopes that this will not come about. If this force should be reduced, we fear that it may not be possible for us during the remainder of the war period to secure from your Commission services which have been made available to us in the past and which have expedited the Maritime Commission's war effort, and have in addition been responsible for saving the Government substantial sums of money.

It is difficult in this letter to develop in detail the advantages which the Maritime Commission and the Government have secured by utilizing the specialized services of your personnel. I will, however, cite one or two instances.

In 1942 the Maritime Commission found it necessary, in order to expedite ship production and cut down production expenses, to construct a spur line of railroad at Port-

land, Maine. We did not have available on our staff a practical railroad engineer. The Interstate Commerce Commission made available to us the services of Mr. John Hansbury, who laid out the line of railway and advised us constantly and effectively in our negotiations for the construction of and operation over the spur track. Without Mr. Hansbury's help, construction of this important line of track (which is an integral part of our ship-production system at Portland) would have taken a much longer time than was actually consumed, and the resulting loss of time would have prevented ships from the two shipyards involved from being delivered at the rate they have been delivered since operation over the spur track began.

Recently it became necessary in connection with this spur track to have constructed certain switching facilities and to enter into service contracts. In connection with these matters, Mr. Hansbury's help has again expedited our work and resulted in a substantial saving of Government money.

Recently an appraisal of railroad land in California by a representative of the Bureau of Valuation of the Interstate Commerce Commission (Mr. Gelsler) has enabled the Maritime Commission to secure a material reduction in rentals upon the lands in question which are utilized for ship-construction purposes.

In connection with requisition by the Maritime Commission of railroad equipment for transporting shipyard workers to and from the yards, valuation reports by Interstate Commerce Commission employees have been of particular value in determining just compensation for the property requisitioned.

The services of representatives of the Bureau of Valuation in appraising real property and machinery, in some cases leased and in others involved in condemnation cases, have been invaluable to us. In one of these cases, the property in question was an old railroad property, and it is doubtful if any private appraiser could have made as accurate an appraisal as was made by the Interstate Commerce Commission personnel.

In at least one other case, appraisals by representatives of the Bureau of Valuation (Mr. Sandford in particular) have enabled the Maritime Commission to effect substantial cuts in rentals of shipyard property.

Even more valuable perhaps than the specialized knowledge of the Interstate Commerce Commission personnel has been the fact that because your representatives are not employees of the Maritime Commission, their opinions and advices have been peculiarly effective in connection with our negotiations, and generally regarded by the private interests with which the Commission deals as emanating from a disinterested and neutral source. It is in our opinion of importance to preserve this third-party position of your employees, particularly as a number of them will doubtless be utilized during 1944 as witnesses in condemnation cases. If it becomes necessary for them to take the stand not as employees of the Interstate Commerce Commission but as Maritime Commission men, this fact will unquestionably be brought out on cross-examination, and may to a certain extent render their opinions as to values less persuasive to court or jury.

Summed up, it is the feeling of the Maritime Commission that the cutting of the personnel of your Bureau of Valuation, with the attending loss to this Commission of the services recounted, would be contrary to the best interests of that portion of the war effort being carried on by the Maritime Commission. We hope that this reduction will not come about. If it does, we feel that the Government over-all will lose money by it. The services which we have been securing from you on a most economical

basis will have to be secured elsewhere at equal or greater cost, and we believe will be less effective, with a resulting increase expense to us in certain of our activities.

Very truly yours,

THOMAS M. WOODWARD,
Commissioner.

EXHIBIT 3

UNITED STATES MARITIME COMMISSION,
Washington, February 24, 1944.

Mr. W. P. BARTEL,
Secretary, Interstate Commerce
Commission, Washington, D. C.

DEAR MR. BARTEL: Your letter of February 22, 1944, requests me to furnish the Interstate Commerce Commission with such factual data as the Maritime Commission may have with respect to the cost of appraisals made by the Bureau of Valuation of the Interstate Commerce Commission for the Maritime Commission; savings, if any, effected by the use of such appraisals; and in general the value of the work done by the Bureau of Valuation for the Maritime Commission. The information available to us is as follows:

For work done for the Maritime Commission by representatives of the Bureau of Valuation from April 21, 1942, to June 17, 1943, we have reimbursed the Interstate Commerce Commission in the amount of \$30,707.08. I am advised that we have incurred an additional cost of a few thousand dollars for further work on a project wherein the cost of full appraisals was \$7,670.34. As opposed to this cost, savings have been effected in the amount of \$36,684 by readjustment of one lease, \$4,172 on settlement for requisitioned transportation equipment, and not less than \$177,893 representing the difference between the jury verdict in a condemnation case and the lowest evidence of value submitted to the landowner, a saving of \$218,749. Further readjustment of certain leases already agreed to by lessors will reflect an annual saving of \$49,872. Readjustments of various lease obligations already agreed to by lessors should save not less than \$1,442,476. There remain pending seven cases of requisitioned equipment as to the value of which representatives of your Bureau of Valuation are particularly competent to form an opinion, wherein the claims aggregate \$1,229,922.74, and relying upon appraisals by representatives of your Bureau of Valuation, we hope to save in excess of \$528,000.

It follows from the above that these appraisals secured from you at a cost of between \$30,000 and \$40,000 reflect actual and potential savings well in excess of \$2,000,000, plus annual savings on leases of approximately \$50,000.

We have pending several important condemnation cases wherein the value of the land to be taken unquestionably exceeds in the aggregate \$1,000,000. The value of the testimony of your employees in these cases should be great, particularly in view of the fact that in every instance you have attempted to assign to our appraisal work, men well-qualified to form sound opinions as to the value of property in the particular locality involved and to support their opinions upon the witness stand.

In addition to the above, the advice of representatives of your Bureau of Valuation on technical problems of railway construction and operation has enabled us to meet our problems on an equal footing with the representatives of the railroads themselves.

I trust that the foregoing facts and figures taken from the records of the Maritime Commission are what you require, and, of course, I have no objection to the Interstate Commerce Commission placing this letter in the record if it so desires.

Sincerely yours,

E. S. LAND,
Chairman.

EXHIBIT 4

DEPARTMENT OF JUSTICE,

New Orleans, La., October 9, 1942.

Mr. A. B. MANLY,
Head Land Appraiser, Bureau of Valuation,
Interstate Commerce Commission,
Washington, D. C.

DEAR MR. MANLY: The trial of the condemnation suit against the second floor of the Audubon Building ended yesterday afternoon at 2:30 with a verdict in favor of the Government.

I cannot refrain from writing this letter to tell you how helpful the testimony of Mr. R. Tyler Price, of the Land Section, and Mr. George Douglass, of the Engineering Section, was to the Government's case. Both of these gentlemen were most cooperative and made splendid expert witnesses.

The jury verdict, which was for \$17,500 for the term taken, gives a per annum rental of \$13,278. The appraisal by Mr. Price was \$13,360 per annum. We have computed that the jury verdict varied from Mr. Price's appraisal only to the extent of 1 cent per square foot.

I consider this a remarkable testimonial to Mr. Price's ability. This case makes the third I have had with Mr. Price as a Government expert, and in each, his poise and presence as a witness was impressive, his research exhaustive and accurate.

I thought it would be gratifying to you to hear how highly I regard the two gentlemen who are in your department.

Very truly yours,

NORTON L. WISDON,
Special Attorney, Department of Justice.

EXHIBIT 5

NAVY DEPARTMENT,

BUREAU OF YARDS AND DOCKS,

Washington, D. C., January 11, 1944.

Mr. R. A. LACEY,
Director, Bureau of Valuation,
Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: Recent negotiations conducted by the Navy in the leasehold acquisitions of State pier, New London, Conn., and pier 37, North River, N. Y., have directed our attention to the excellent appraisals of these properties submitted by your Bureau and prepared by your senior land appraiser, David W. Sweet.

The factual data contained in the reports were such that they reflected conditions affecting the property in a manner so clear that the negotiations were greatly facilitated. The principal strength, however, was the clear, concise discussion of the data and the logical reasoning of the appraiser in assignment of and support to his values. Mr. Sweet's work in these and the many other appraisals which he has prepared for the Navy Department has been of such character as to deserve particular notice and commendation. The wealth of his experience and knowledge of his subjects have at all times been clearly portrayed in such a manner that our negotiatory activities have been materially aided.

Considerable comment has been made to personnel of this agency by members of the legal and real estate fraternity concerning Mr. Sweet's testimony before the commissioners in the Bayonne, N. J., acquisition by the Navy. These comments may be summarized by the statement of one of the commissioners hearing the case which was to the effect that Mr. Sweet's testimony evidenced complete and thorough knowledge of the property, absolute honesty in appraisal, and a reasonable and logical summation of factors, so that his valuation conclusions were considered by this commissioner as the outstanding and most worth-while evidence which tended toward this commissioner's valuation verdict.

Very truly yours,

JOHN J. COURTNEY,
By direction of Chief of Bureau.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. AIKEN. Mr. President, I send to the desk an amendment which has been printed, and copies of which lie on the desks of Senators. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following new section:

Sec. —. (a) The financial transactions of every agency or corporation of the Government of the United States, or created under its authority, either directly or indirectly (including any agency or corporation the majority of the capital stock of which is owned by the Government of the United States), except as provided in subdivision (d), for which an appropriation has been or shall be hereafter made by the Congress, shall, beginning with the fiscal year 1945, be audited annually by the General Accounting Office in accordance with the principles applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. A report of such audit shall be made to the Congress, together with such recommendations as the Comptroller General may deem advisable.

(b) The expenses of such audit shall be paid from moneys advanced therefor by each such respective agency or corporation, or from any appropriation for the General Accounting Office; and any such appropriation so used shall be reimbursed promptly by such agency or corporation as billed by the Comptroller. For the purpose of such audit the representatives of the General Accounting Office shall have access to all papers, books, files, accounts, financial records, and property belonging to or under the control of any such agency or corporation and shall be afforded full facilities for verifying transactions with the balances in depositaries and with fiscal agents: *Provided*, That the certified financial reports and schedules of the fiscal agents of any such agency or corporation based on commercial audits in the usual course of business may be accepted by the General Accounting Office in its audit of the financial transactions of any such agency or corporation as final and not subject to further audit verification.

(c) Any examination of the corporate records shall be made at the place or places where the records of such agency or corporation are normally kept in the transaction of its business.

(d) The provisions of this section shall not apply to any agency or corporation of the Government the financial transactions of which are otherwise required to be audited under authority of Congress.

Mr. BARKLEY. Mr. President, this amendment clearly proposes legislation on an appropriation bill, in violation of rule XVI, and I therefore make the point of order that the amendment is out of order.

Mr. AIKEN. Mr. President, I concede that the amendment proposes legislation which I hope will be added to an appropriation bill. The purpose of the proposed legislation, which should be very clear to everyone, is to bring under the Comptroller General's Office, and thereby somewhat more nearly under the control of Congress, those agencies of Government which thus far have escaped being required to make to the Congress proper accounting of their funds.

I will read the names of those Corporations which now escape being audited, and therefore do not have to let Congress or the people know what they are doing with the money appropriated or given to them by a higher agency.

Allow me first to say that there are several agencies which are not required by law to be audited by the Comptroller General's Office, but many of them have voluntarily asked the Comptroller General to audit their accounts. I shall not read their names. There are approximately 30 agencies which will come in the category to which I first referred.

Banks for Cooperatives: Central Bank for Cooperatives, District Banks for Cooperatives (12); Defense Homes Corporation; Defense Plant Corporation; Defense Supplies Corporation; Disaster Loan Corporation; Federal Deposit Insurance Corporation; Federal home-loan banks (12); Federal Intermediate Credit Banks (12); Federal land banks (12); Federal National Mortgage Association; Inland Waterways Corporation; Metals Reserve Company; Panama Railroad Company; Petroleum Reserves Corporation; Production Credit Corporations (12); Reconstruction Finance Corporation; RFC Mortgage Company; regional agricultural credit corporations (2); Washington and Minneapolis; Rubber Development Corporation; Rubber Reserve Company; Steel Recovery Corporation; Tennessee Valley Associated Cooperatives, Inc.—

I do not know what that is—

Textile Foundation, Inc.; United States Commercial Company; United States Spruce Production Corporation.

This Corporation has been in process of liquidation for some time, and it seems as though it were time for the Corporation to be audited.

The list continues:

Virgin Islands Co.; War Damage Corporation; War Emergency Pipe Lines, Inc.; War Materials, Inc.; Warrior River Terminal Co.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. DANAHER. From what is the Senator reading?

Mr. AIKEN. I am reading from a list which is shown on page 807 of the hearings on the independent offices appropriation bill for 1945, before the committee of the other House. The Senator from New Hampshire was reading from the same page only a short time ago.

The VICE PRESIDENT. In view of the fact that the Senator from Vermont has been unable to erect any screen of germaneness behind which he is hiding his proposed legislation, the Chair rules that the point of order of the Senator from Kentucky [Mr. BARKLEY] is sustained.

Mr. AIKEN. Mr. President, I move that Senate Rule XVI be suspended in order that the Senate may vote and act upon the proposed amendment at this time.

Mr. CLARK of Missouri. Mr. President, I make the point of order that the rule requires that a motion to suspend the rule be made in writing 24 hours before being presented.

The VICE PRESIDENT. The Senator from Vermont gave notice in writing on March 20.

Mr. AIKEN. Yes, the notice was given, because I expected, knowing some

of the operators of the departments downtown, objection would be made to any move to bring them under the Office of the Comptroller General.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. BARKLEY. I wish to make clear, in reply to the suggestion of the Senator from Vermont, that no one downtown or uptown, or anywhere else, has suggested such a thing to me. I am seeking to preserve the rules of the Senate, and the Senator has conceded that I have the right to make the point of order. I do not see why he should attribute my action here to someone downtown. Every now and then I do something on my own accord.

Mr. AIKEN. After his wonderful display of courage a few days ago, I would not accuse the Senator from Kentucky of anything.

Mr. BARKLEY. The Senator from Vermont has implied that I made the point of order because of some operator downtown. I do not object to the auditing of any governmental agency in the United States, but I think measures affecting these agencies which have been created under various laws ought to be considered as matters of substantive legislation and not brought in under an appropriation bill in order to change the law without committee consideration.

Take, for example, the Federal Reserve banks. I do not know whether they should be audited by the General Accounting Office. The various agencies loaning money out of funds which they receive in the way of interest from farmers who borrow money and pay interest into the Treasury are audited by the Farm Credit Administration under which they are created. I think the Committee on Agriculture and Forestry would like to consider whether they ought to be audited by the General Accounting Office.

Mr. AIKEN. Mr. President, we have added a good deal of essential legislation to the independent offices appropriation bill today, but if we do not provide for auditing these different agencies, what good is it all going to do unless we know what they do with the money? This amendment would not handicap them in any way.

Mr. BARKLEY. If the Senator will yield—

Mr. AIKEN. Just a moment. The amendment does not provide for a pre-audit; it provides for an annual audit, and if the Comptroller General shall find they are mispending their money in some way, he can report to Congress.

Mr. BARKLEY. The Senator could long ago have introduced bills and had them referred to the committees which had jurisdiction over these agencies, instead of waiting until the last 5 or 10 minutes in the consideration of an appropriation bill, and now bringing the matter up and asking the Senate to vote. I am quite satisfied that if the Senator will offer bills and have them referred to the proper committees which have jurisdiction over these agencies, they will receive the consideration to which they are entitled.

Mr. AIKEN. I have not waited until the last 5 or 10 minutes. This amend-

ment was offered last Monday, it was printed, and was on the desks of Senators Tuesday morning. I have no more waited until the last 5 or 10 minutes than has the Senator from Georgia, or the other Senators who proposed amendments which have rightfully been agreed to.

Mr. BARKLEY. Of course, the Senator brought the amendment up as soon as he could, but the point is that at the last minute, with this important appropriation bill before us, he is asking the Senate to adopt an amendment which affects the procedure of what he calls 38 different agencies, the names of some of which he has read, and as to some of which I have grave doubt in my own mind whether there is not already sufficient audit and control over them by those responsible. But I think it should be done in an orderly way, by legislation, and not by an amendment on an appropriation bill.

Mr. AIKEN. The Senator from Kentucky must know that any amendment adopted by the Senate would go to conference, and if any very great injustice would be committed that it would be corrected there. This is the time—right now—for putting these various agencies—most of them under the R. F. C.—under the control of the Comptroller General's Office, or at least in such a position that they will have to give a proper account of their funds, which will be reported to the Congress. This is the time to do that.

Mr. DANAHER. Mr. President, I ask the Senator from Vermont if, in the course of his study and preparation for this very excellent amendment, he went into the subject of the Reconstruction Finance Corporation at all.

Mr. AIKEN. I have been observing the work of the Reconstruction Finance Corporation for a long time, and I came to the conclusion a long time ago that they should be under the control of Congress to a greater degree than they are now. I have seen hundreds of millions of dollars which I have considered just thrown down rat holes.

Mr. DANAHER. With a contingent total liability of somewhere in the neighborhood of \$14,000,000,000 for the Reconstruction Finance Corporation alone, does the Senator recall that in November 1942 the R. F. C. was here asking us for an additional authorization of \$5,000,000,000 of borrowing power?

Mr. AIKEN. Yes; and the Senator will recall that it is very difficult to find out from the head of the R. F. C. where that money goes, and why it goes there, or anything about it.

Mr. DANAHER. Let me point out to the Senator that we did not give the R. F. C. that additional \$5,000,000,000 borrowing power, although the testimony was, and the representation to the Senate was, by the leadership in favor of the bill, that if we did not give the \$5,000,000,000 by that afternoon the Reconstruction Finance Corporation would fold up, and the war effort would be retarded, and everything else. But from that day to this they have not had an increase in their borrowing power. What are they doing for money, and where are they getting it, under what

circumstances are they expending it, subject to whose audit, let me ask the Senator from Vermont.

Mr. AIKEN. The Reconstruction Finance Corporation agencies hire auditing concerns to audit claims against the Government, which audit the books of the corporations making claims against the Government. The auditing concerns say they do it honestly, but they never put the same man on the books of the Corporation that they put on auditing claims the Corporation makes against the Government.

Mr. DANAHER. Will the Senator yield further?

Mr. AIKEN. I yield.

Mr. DANAHER. Does the Senator know what obligations the R. F. C. has incurred all through 1942 and down to this 24th day of March 1944?

Mr. AIKEN. Nobody knows, because they get other departments of Government to bail them out. They were bailed out in a shipbuilding company case, and Mr. Patterson, Under Secretary of War, said, when he appeared before the Committee on Expenditures in the Executive Departments, in answer to a question of the Senator from Michigan [Mr. FERGUSON] that they had arrangements with defense plants to bail them out and take over their property. That is going on day after day in this Government. Then we hear it said that they should not be audited.

Mr. DANAHER. Mr. President, if the Senator will yield further, as I understand the Senator's contention, the Comptroller General is not permitted, under existing law, to audit the R. F. C. accounts and the accounts of its subsidiary corporations. Is that correct?

Mr. AIKEN. That is correct.

Mr. DANAHER. I thank the Senator. I am hoping he can get the two-thirds vote to suspend the rule.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont to suspend the rule.

Mr. AIKEN. I ask for the yeas and nays.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MAYBANK. I wondered how long the Reconstruction Finance Corporation had not been audited by the Comptroller General.

Mr. AIKEN. So far as I know, it has never been audited. It has not been audited since I have been in Washington.

Mr. MAYBANK. When was it created?

Mr. AIKEN. I do not recall.

Mr. BARKLEY. It was created about 1930.

Mr. MAYBANK. If my memory serves me correctly, long, long ago, in the Hoover administration.

Mr. BARKLEY. It was created in 1930 or 1931.

Mr. MAYBANK. It was quite active in distributing relief money, was it not?

Mr. BARKLEY. Yes, it was quite active at that time. The R. F. C. is audited by auditors. It is not audited by the Comptroller General, and Congress has never required that it should be, because the activities of the R. F. C. are such that

when they pass upon a loan, especially loans such as those they have been making to business for 12 or 14 years, the loans have to go through their board of directors, and if they had to delay their activities in coming to the relief of business by having the General Accounting Office pass upon their loans, they could not afford the relief required.

Mr. CLARK of Missouri. Mr. President—

The VICE PRESIDENT. The Senator from Vermont has the floor.

Mr. MAYBANK. I was just wondering why, after 14 years—

Mr. AIKEN. I do not know when they were organized or authorized, and I do not care what administration was in power when they were organized. They should have been required to be audited when they were created. As the Senator from Kentucky says, they are audited, but they are audited by concerns which they hire and pay themselves, and the results of the audits are not submitted to the Congress, so far as I know.

I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). Making the same announcement as previously, I withhold my vote.

The roll call was concluded.

Mr. BRIDGES (after having voted in the affirmative). I have a general pair with the Senator from Utah [Mr. THOMAS]. Not knowing how he would vote I transfer that pair to the Senator from Illinois [Mr. BROOKS], and let my vote stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. WALSH] is absent attending a funeral.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN] and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] are detained in Government departments on matters pertaining to their respective States.

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LUCAS], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM], the Senator from New York [Mr. MEAD], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], the Senator from

Louisiana [Mr. OVERTON], the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from Montana [Mr. MURRAY] is absent on official business for the Committee on Military Affairs.

The Senator from Indiana [Mr. JACKSON] is absent on official business.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAIT].

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman committee.

The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The yeas and nays resulted—yeas 33, nays 19, as follows:

YEAS—33

Aiken	Davis	Thomas, Idaho
Austin	Holman	Tunnell
Ball	Johnson, Colo.	Vandenberg
Brewster	La Follette	Walsh, Mass.
Bridges	Langer	Weeks
Buck	McKellar	Wheeler
Burton	Maloney	Wherry
Bushfield	Millikin	White
Butler	Reed	Wiley
Capper	Robertson	Willis
Danaher	Shipstead	Wilson

NAYS—19

Andrews	Eastland	O'Mahoney
Bankhead	George	Radcliffe
Barkley	Gerry	Smith
Chandler	Hill	Stewart
Clark, Mo.	McClellan	Wagner
Connally	McFarland	
Downey	Maybank	

NOT VOTING—44

Bailey	Gurney	Overton
Bilbo	Hatch	Pepper
Bone	Hawkes	Revercomb
Brooks	Hayden	Reynolds
Byrd	Jackson	Russell
Caraway	Johnson, Calif.	Scrugham
Chavez	Kilgore	Taft
Clark, Idaho	Lucas	Thomas, Okla.
Cordon	McCarran	Thomas, Utah
Ellender	Mead	Tobey
Ferguson	Moore	Truman
Gillette	Murdock	Tydings
Glass	Murray	Wallgren
Green	Nye	Walsh, N. J.
Guffey	O'Daniel	

The VICE PRESIDENT. On this vote the yeas are 33, the nays 19. Two-thirds of the Senators present not having voted in the affirmative—

At this point Mr. REVERCOMB entered the Chamber and voted "yea."

The VICE PRESIDENT. The Chair is informed that according to senatorial custom, after the announcement has been made it is impossible to—

Mr. BRIDGES. The Chair had not finished the announcement.

Mr. BARKLEY. Mr. President, the Chair had undoubtedly made the announcement.

The VICE PRESIDENT. The Chair had not completed his statement, however.

Mr. CLARK of Missouri. The Chair had announced the vote, though.

The VICE PRESIDENT. The Chair had announced the number, but had not completed the statement.

Mr. BARKLEY. It does not affect the result anyway. I ask unanimous consent that the Senator from West Virginia be permitted to vote inasmuch as it does not change the result.

The VICE PRESIDENT. Without objection, it is so ordered.

On this vote the yeas are 34, the nays are 19. Two-thirds of the Senators present not having voted in the affirmative, the motion to suspend rule XVI is not agreed to.

The bill is open to further amendment.

If there are no further amendments to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill pass?

The bill H. R. 4070 was passed.

Mr. McKELLAR. I move that the Senate insist upon its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. GLASS, Mr. RUSSELL, Mr. TRUMAN, Mr. GREEN, Mr. McKELLAR, Mr. BRIDGES, and Mr. WHITE conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

FEDERAL AID FOR READJUSTMENT OF VETERANS IN CIVIL LIFE

Mr. CLARK of Missouri. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1767 to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1767) to provide Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans, which had been reported from the Committee on Finance, with amendments.

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will state the amendments of the Committee on Finance.

The first committee amendment was, in title I, under the heading "Chapter 1—hospitalization, claims, and procedures," in section 100, page 2, line 5, after the words "to be an", to strike out "agency of the United States vital and essential to the successful prosecution of the present war, and as such agency the Veterans' Administration shall be" and to insert "essential war agency and."

The amendment was agreed to.

The next amendment was, in section 104, on page 4, line 16, after the word "no", to strike out "wounded, diseased, or handicapped"; in line 18, after the word "service", to insert "on account of disability"; and in line 24, after the word "care", to insert "nor preclude the discharge of any person who refuses to sign such claim or statement."

The amendment was agreed to.

The next amendment was, in section 105, on page 5, line 1, after the word "forces", to strike out "suffering from disease or injury"; in line 4, after the word "of", to strike out "such" and insert "any"; in the same line, after the word "injury", to insert "he may have"; and in line 5, after the word "against", to strike out "the interest of such person" and insert "his own interest."

The amendment was agreed to.

The next amendment was, in section 200, on page 6, line 6, after the word "Navy", to strike out "in conjunction" and insert "jointly."

The amendment was agreed to.

The next amendment was, in section 300, on page 7, line 8, after the word "That", to strike out "in any case to which this section applies the surrender value, if any, of" and insert "this section shall not apply to"; and in line 11, after the word "policy" to strike out "at the time of forfeiture shall be payable to the insured if living, or, if the insured die before such payment, to the designated beneficiary."

The amendment was agreed to.

The next amendment was, in section 301, on page 7, line 23, after the words "court martial", to strike out the comma and the words "and except, in the case of officers, denial of retirement with pay"; and on page 8, line 14, after the words "court martial" to strike out "and except, in the case of officers, denial of retirement with pay."

The amendment was agreed to.

The next amendment was, in title II, under the heading "Chapter IV—Education of Veterans," in section 400, on page 9, line 7, after the word "under", to strike out "honorable"; in line 8, after the word "conditions", to insert "other than dishonorable"; and in line 13, after the word "disability", to strike out the colon and the following: "And provided further, That the education or training of such person was interrupted or prevented by such service, or such person requires a refresher or retraining course in no event to exceed 1 year, to fit him for employment or profession."

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "Navy", to insert "the Secretary of Agriculture"; in line 16, after the word "and", to strike out "six" and insert "eight"; in line 18, after the word "Affairs", to strike out "at least four of whom shall be recognized leaders in the field of education," and insert "who shall be recognized leaders in the fields of education, labor, agriculture, and industry."

The amendment was agreed to.

The next amendment was, on page 11, line 23, after the numeral "6", to strike out "A" and insert "Except as to a re-

fresher or retraining course, a," and on page 12, line 14, after the word "obtained", to insert "Subject to the above limitations, any person who has not completed his course of education or training but has satisfactorily completed his first year, shall be eligible and entitled to continue his course of education or training until he has completed the same, provided his work continues satisfactorily throughout the remaining period."

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the word "thereof", to strike out "(a) for the purpose of advising and assisting in selecting those persons who shall be entitled to receive a further period of education or training as provided for in this part or (b)"; and on page 16, line 7, after the word "part", to add the following proviso: "Provided, That whenever there are established State apprenticeship agencies expressly charged by State laws to administer apprentice training, the Administrator shall, whenever possible, utilize such existing facilities and services in training on the job when such training is of 1 year's duration or more."

The amendment was agreed to.

The next amendment was, on page 17, line 4, after the word "education", to insert "or any State apprenticeship agency"; in line 6, after the words "council", to strike out "of" and insert "or."

The amendment was agreed to.

The next amendment was, on page 18, line 2, after the numerals "VII", to strike out "All payments under the Mustering-Out Payment Act of 1944 received by any person during the time that such person is receiving education or training under the provisions of this part shall be offset by suspension of equal amounts of subsistence allowance, which suspended amounts may be paid after completion of education or training hereunder."

The amendment was agreed to.

The next amendment was, on page 18, line 12, after the word "agency", to strike out "or State apprenticeship agency."

The amendment was agreed to.

The next amendment was, on page 19, line 17, in section 403, after "403", to strike out "Paragraph" and insert "Subsection (f) of section 1, title I, Public, No. 2, Seventy-third Congress, and paragraph"; in line 21, after "1943", to strike out "is" and insert "are"; in line 22, after the word "the", to strike out "date" and insert "dates 'December 7, 1941' and"; and in line 23, after "1941", to strike out "in the first sentence thereof."

The amendment was agreed to.

The next amendment was, in title III, under the heading "Loans for the purchase or construction of homes, farms, and business property" in section 501, on page 22, line 21, after the word "paid", to strike out "and" and insert "or"; on page 23, line 2, after the words "purpose of", to insert "making repairs, alterations, or improvements in, or"; in line 4, after the word "special", to strike out "assessments, on" and insert "assessments on"; in line 5, after the word "purchased", to strike out "for a home" and insert "or owned"; in the same line after

the word "veteran", to insert "and used by him as a home," and in line 7, after the word "subsection", to strike out "(d)" and insert "(d)".

The amendment was agreed to.

The next amendment was, in section 502, on page 24, line 1, after the word "implements", to insert "or in repairing, altering, or improving any buildings."

The amendment was agreed to.

The next amendment was, in title IV, under the heading "Chapter VI—Employment of veterans," in section 601, on page 27, line 15, after the word "Board", to insert "in accordance with the civil-service laws, and whose compensation shall be fixed"; and in line 16, after the words "with the", to strike out "civil service."

The amendment was agreed to.

The next amendment was, in section 604, on page 29, line 12, after the word "functions", to insert "the Federal agency administering the United States Employment Service shall maintain that service as an operating entity, and, during the period of its administration, shall effectuate the provisions of this title."

The amendment was agreed to.

The next amendment was, in section 605, on page 30, line 6, after the word "this", to strike out "act" and insert "title."

The amendment was agreed to.

The next amendment was, in title V, under the heading "Chapter VII—Readjustment allowances for former members of the armed forces who are unemployed," in section 800, on page 33, line 15, after the word "or", to strike out "indirectly" and insert "directly"; in line 24, after the words "branches of", to strike out "work" and insert "work, which"; in line 25, after the word "separate", to strike out "premises or" and insert "premises"; on page 34, line 6, after the word "provisions" to strike out "of paragraph (1)"; in line 10, after the word "weeks", to strike out:

In addition, the 24-month period within which he might otherwise be eligible to receive readjustment allowances shall be reduced by the number of weeks for which the claimant shall have been disqualified.

(2) If a claimant is disqualified under the provisions of paragraph (2) or (3) of subsection (a) of this section, he shall be disqualified to receive any readjustment allowance for the week in which the cause of his disqualification occurred and for all subsequent weeks until he has had substantially full-time employment for wages for a period of 2 weeks, or in the event of any subsequent disqualification, the Administrator may prescribe a longer period of such employment, not to exceed 4 weeks.

The amendment was agreed to.

The next amendment was, on page 34, at the beginning of line 23, to strike out "(3)" and insert "(2)"; in line 25, after the words "provisions of", to strike out "paragraph (1) of"; on page 35, line 1, after the word "section", to strike out "impose the disqualification provided in paragraph (2) above, when in the estimate of the Administrator such additional disqualification is in furtherance of the purposes of this act" and insert "extend the period of disqualification for such additional period as the Administrator may prescribe, but not to exceed

8 additional weeks in the case of any one disqualification."

The amendment was agreed to.

The next amendment was, on page 35, line 21, after "(2)", to strike out "No" and insert "In determining under subsection (a) of this section the suitability of work, no"; and in line 23, after the word "suitable", to insert "for an individual."

The amendment was agreed to.

The next amendment was, in section 1102, on page 42, line 10, after the word "agency", to insert "or other such agency as may be designated by the Administrator"; in line 12, after the word "Administrator", to strike out "located in each State participating in the administration of this title"; in line 14, after the word "final", to strike out "appellate"; in line 14, after the word "contested", to strike out "claims arising in such State. The decision of the representative shall be subject to review by" and to insert "claims, subject to appeal."

The amendment was agreed to.

The next amendment was, in title VI, under "Chapter XVI—General Administrative and Penal Provisions", in section 1602, on page 45, line 16, after the word "Act", to insert "unless the context otherwise requires", and in line 18, after the word "feminine", to insert "and the term 'Administrator' means the Administrator of Veterans' Affairs."

The amendment was agreed to.

The next amendment was, on page 45, to add a new section, as follows:

SEC. 1603. A discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits provided by this act or Public Law No. 2, Seventy-third Congress, as amended.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. WALSH of Massachusetts. Mr. President, a short time ago I gave the Senator from Missouri [Mr. CLARK] a letter which I received from Admiral Jacobs, head of the Bureau of Personnel of the Navy. In his letter the admiral called attention to the fact that the language in this bill permits the benefits under it to be extended to persons in the Army and the Navy and the Coast Guard who have been given bad conduct discharges and undesirable discharges, and he objects to that class of discharges being given the benefit of this proposed legislation. Will the Senator from Missouri explain why these groups are included in the provisions of this bill?

Mr. CLARK of Missouri. Mr. President, let me say that I am very familiar with the objections raised by Admiral Jacobs. In my opinion, they are some of the most stupid, short-sighted objections which could possibly be raised. They were objections which were considered very carefully both in the subcommittee on veterans' affairs of the Finance Committee and in the full committee itself. The issue revolves around the question whether we should say, as Admiral Jacobs recommends, that a man must have received an honorable discharge or whether we should say, as the Senate bill

provides, "under conditions other than dishonorable conditions."

The point to the whole matter is that in the Army there are what are known as blue discharges, discharges without honor. Such a discharge is not an honorable discharge. It may be issued to men who have had no particular fault other than except, for instance, misstatements about age. A boy may have lied a little about his age, in order to get into the Army. He may have said he was 18 years old, when as a matter of fact he was only 16 or 17 years old. If his father or mother come to the Army, and say, "You cannot keep this boy; he lied about his age, in order to get into the Army," the commanding officer has no recourse other than to discharge him. If he discharges him, he cannot give him an honorable discharge. Under the regulations, he is bound to give him what is called a blue discharge, a discharge without honor.

In the present war, contrary to what occurred during the last war, I understand that in many cases the Army is giving blue discharges, namely, discharges without honor, to those who have had no fault other than that they have not shown sufficient aptitude toward military service. I say that when the Government drafts a man from civil life and puts him in the military service—most of the cases we are now discussing as to aptitude involve older men—and thereafter, because the man does not show sufficient aptitude, gives him a blue discharge, or a discharge without honor, that fact should not be permitted to prevent the man from receiving the benefits which soldiers generally are entitled to.

Mr. President, in the last war I knew a boy who was my own orderly. He had lied about his age in order to get into the Army. He was only 16 years old when he enlisted. He had sworn he was 18 years old. His parents came to the camp and said they were going to take him out. The boy came to me and said, "Colonel, don't let them take me out. I would never be able to hold up my head again in this world." I told the boy's father and mother, "Of course, I am bound to discharge this boy if you say so. But I would have to give him a blue discharge."

The father, who was a very prominent man in northern Missouri, said, "What is that?"

I said, "That is a discharge without honor, a very different thing from an honorable discharge."

He said, "Let me talk to my wife about it."

In a couple of hours they came back, crying, and said they wanted the boy to stay in.

If they had taken that boy out of the Army, I do not think he should have been penalized. He had been in the Army a year and had been an excellent soldier. I do not think he should have been penalized because he had been so eager to serve his country that he was willing to do a little fabricating about his age in order to get into the Army.

Mr. President, in the committee we amended this provision in order to give the Veterans' Administration some dis-

cretion in the matter. The Veterans' Administration pointed out that as the bill was originally drafted, in the use of the words "other than dishonorable discharge," we opened up the opportunity to such persons as fellows "going over the hill," and those who had been absent without leave, and those who possibly had been guilty of desertion, or who might have committed larceny or murder or some other crime, and who had been picked up by the civilian authorities and subsequently convicted of some crime, or possibly sent to jail or to the penitentiary, or who did not receive an honorable discharge for other reasons but were given a blue discharge merely because the Army wanted to get rid of them and did not want to take the trouble to court martial them and give them what they deserved—a dishonorable discharge.

I say to the Senator from Massachusetts that what we did was to amend that provision by using the words "under other than dishonorable conditions." That does not say "with a dishonorable discharge." That means that under this provision the Veterans' Bureau, if a man's service has been dishonorable, if he has been convicted of larceny or any other crime or has been convicted of chronic drunkenness or anything else one might think of, the Veterans' Administration will have some discretion with respect to regarding the discharge from the service as dishonorable, and that therefore the man involved will be entitled to the benefit of that discretion.

I do not think anyone wants to penalize boys who lied about their age in order to enlist, or who did something else of that sort, or, certainly, men who were discharged because of lack of aptitude for military service.

I may say further, Mr. President, that the people who drew this act, and particularly the people who worked on this provision, are almost without exception fellows who have actually had the experience of going up against the guns themselves. We are more interested than anyone else could possibly be in keeping the gold-brickers, the coffee-coolers, the skulkers, and the criminals, the bad soldiers and bad sailors and bad marines, off the benefit rolls.

Mr. WALSH of Massachusetts. Mr. President, I think all of us are agreed as to that point. I should like to have the Senator state for the RECORD whether in the case of persons who have received bad-conduct discharges, as mentioned by Admiral Jacobs, the Veterans' Bureau would have discretion as to whether they would be entitled to receive the benefits provided under the bill.

Mr. CLARK of Missouri. The Veterans' Bureau would have such discretion; and I believe that, under the spirit and letter of the act, the Veterans' Bureau would be required to reject such claims.

Mr. WALSH of Massachusetts. If that is the opinion of the Senator, and if the language can be so interpreted, I think the objections of the Navy Department would be greatly minimized.

Mr. CLARK of Missouri. I think the Navy Department misunderstands the

purport of the amendment adopted by the committee at its last meeting.

Mr. WALSH of Massachusetts. The sentiments expressed in the letter of Admiral Jacobs I understand were concurred in by the Army and the Veterans' Administration.

Mr. CLARK of Missouri. I will say to the Senator from Massachusetts that representatives of the Army and the Navy were present when the matter was discussed, and they seemed to agree totally with the terms of the amendment. I think probably the higher authorities have not consulted their representatives who were present at the committee meeting, in order to find out exactly what the language means. We certainly have no desire to have any gold-brickers or any habitual dead beats or anyone who is guilty of a crime come under the benefits of the act.

Mr. WALSH of Massachusetts. I think the Senator's explanation of the change or modification of the language contained in the bill as originally drawn clarifies the matter considerably for the benefit of the Navy, the Army, and the Veterans' Administration.

Mr. President, I ask unanimous consent that the letter written to me by Admiral Jacobs may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HON. DAVID I. WALSH,
*Chairman, Committee on Naval Affairs,
United States Senate.*

MY DEAR MR. CHAIRMAN: I should like to invite your attention to S. 1767, providing Federal Government aid for the readjustment in civilian life of returning World War No. 2 veterans, known as the G. I. bill of rights.

Report No. 755, dated March 18, 1944, from the Committee on Finance, indicates an amendment by the committee in executive session which does not meet with my approval. Title II of the bill provides for the education of veterans, and paragraph 1 of section 400 thereof sets forth eligibility for educational benefits. The original bill made eligible those persons discharged under honorable conditions, but the committee amendment changes eligibility to those persons discharged under other than dishonorable conditions.

In the Navy, dishonorable discharges are given only by sentence of a general court martial and are reserved for crimes involving moral turpitude or the serious military crimes. However, during the war in an effort to expedite punishment without tying up several officers who would constitute the general court martial, we resort to a smaller court—the summary court martial—which has the power to give a sentence of bad-conduct discharge in cases where it has been clearly shown that the individual is not fit to be retained in the service—habitual drunkenness, theft, repeated absence over leave, etc. There is also an administrative discharge known as the undesirable discharge. In this category is a man who repeatedly commits petty offenses not necessitating trial by court martial, a habitual shirker, or a man of unclean habits.

It is my considered opinion that persons with dishonorable discharge, bad-conduct discharge, or undesirable discharge should be excluded from the benefits for veterans. S. 1767, as introduced, would have provided so, but as amended by the committee the

benefits will be extended to those persons who will have been given bad-conduct discharges and undesirable discharges. This might have a detrimental effect on morale by removing the incentive to maintain a good service record. The desirable precedent has already commenced in that mustering-out pay by law is available only to those discharged under honorable conditions.

It is recommended that consideration be given to a floor amendment to restore the original wording in paragraph 1 of section 400 so that a discharge under honorable conditions would constitute eligibility. Similar wording also applies to section 1603 which should be amended in like manner.

I have communicated with officials in the War Department and Veterans' Administration relative to this proposal and have obtained their concurrence.

Sincerely yours,

RANDALL JACOBS.

Mr. CONNALLY. Mr. President, will the Senator yield to me for an interruption?

Mr. CLARK of Missouri. I yield to the Senator from Texas.

Mr. CONNALLY. I desire to go on record as thoroughly in favor of the action of the Senator from Missouri in this respect. As he knows, we very carefully went over this whole matter. This particular section relates primarily to the education of soldiers. That is one place where we can do something for the boys who probably have "jumped the track" in some minor instances, and yet have not done anything which would require a dishonorable discharge. We might save some of those men. They need education more than anything else.

Mr. CLARK of Missouri. Mr. President, I do not think there can be any question on earth about that. Many boys who do not receive honorable discharges have capabilities of being very excellent citizens. They receive discharges other than honorable discharges. I differentiate them from dishonorable discharges for many reasons. Some of them are no fault of the men themselves.

Mr. CONNALLY. We may reclaim those men, but if we blackball them and say that they cannot have it we will not confirm them in their evil purposes.

Mr. AUSTIN. Mr. President, before we leave this point, I should like to ask the Senator from Missouri a question. I wonder if the Senator would not desire to have in the RECORD at this point the statement that the language "conditions other than dishonorable" is not strange language in such legislation? We have used it in some other bills during the present session of Congress.

Mr. BARKLEY. These are practically the same provisions as the provisions with respect to eligibility in the mustering-out-pay legislation.

Mr. CLARK of Missouri. The language was drafted by the General Counsel for the Veterans' Administration, and the Veterans' Administration advised the committee that that language had been used in several bills which had been reported from the Military Affairs Committee. It is a well-understood term, and a term which they regard as the most desirable term to use in this situation.

Mr. LA FOLLETTE. Mr. President, I understand that the committee amendments have been concluded. I desire to offer an amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Wisconsin will be stated.

The LEGISLATIVE CLERK. On page 18, line 14, after the period, it is proposed to insert the following:

Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by other provisions of law to exercise over any educational or training institution, or to prevent the furnishing of education or training under this part in any institution over which such supervision or control is exercised under authority of other provisions of law.

Mr. LA FOLLETTE. Mr. President, the purpose of this amendment is to make doubly certain that the interdiction against any department, agency, or officer of the United States in carrying out the provisions of this part of the bill exercising any supervision or control over any State educational agency, and so forth, shall not affect existing law. For example, there are Indian schools which are operated directly by the Government. There are relationships between the Government and other institutions under other statutes. After the bill was reported from the committee it was brought to my attention that there was some apprehension that section 14 might have the effect of changing existing law and existing relationships. All the amendment I have offered would do would be to make certain that that shall not occur.

Mr. CLARK of Missouri. As the Senator has indicated, the amendment was not offered in the committee, and I have no authority to accept the amendment on behalf of the committee. So far as I am personally concerned, I think the Senator's amendment simply states and clarifies the intention of the bill. So far as I am individually concerned, I shall be glad to vote for the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, may I call the attention of the Senator from Missouri to the language on page 23, commencing in line 14? This matter was brought to my notice after we had finished consideration of the bill in the Senate Finance Committee. It will be noted that the language authorizes the Administrator of Veterans' Affairs to designate the agency or agencies which are to service home loans for veterans. It has been suggested that this might authorize the creation of an entirely new set-up throughout the country, going back reminiscently to the H. O. L. C., and the establishment of an entirely independent system for this purpose. It was suggested to me that an amendment would be appropriate to require the functioning of home loans through existing banks and savings and loan associations, approved mortgage corporations, and so forth. I am wondering whether

that phase of the matter has come to the attention of the able Senator.

Mr. McFARLAND. Mr. President, may I explain?

Mr. CLARK of Missouri. I shall be glad to yield in a moment.

That matter was suggested during the consideration of the bill in the committee. It came to my attention by reason of a committee which was formed in the city of Chicago by some loan agencies, nearly all the counsel of which had at one time or another been connected with Government agencies. I could not escape the conclusion that their anxiety about it was perhaps caused by their desire to earn a fee by advising their clients. All the testimony before the Finance Committee and the subcommittee was to the effect that what is stated in the amendment to which the Senator has just referred is really included in the bill as it now stands. The proponents of the amendment desire to go further and negative every possible presumption. So far as I am concerned, it seems to me that if we undertake to negative every monstrous presumption anyone might think of, we shall have an interminable bill. The Administrator of Veterans' Affairs was asked about that matter and he stated his view, which is in accordance with the amendment to which the Senator has referred. It is a question whether we are to negative every possibility which some lawyer might be able to think of. If so, I think we shall be engaged in an interminable wrestle.

Mr. VANDENBERG. I know nothing about the group to whom the Senator refers, and I have no interest in their point of view. I do see how this language might invite the creation of an entirely independent, and perhaps needless and duplicating system of home loans under the authority here created. On the other hand, since the pending bill places the entire responsibility with the Administrator of Veterans' Affairs, to designate any agency he pleases, my own opinion of the high administrative responsibility of the Administrator of Veterans' Affairs is such that I would expect him to use any existing agencies which he might find available.

Mr. CLARK of Missouri. While the Senator is a member of the subcommittee, it is possible that he was not present at that particular session of the subcommittee. It was stated to the subcommittee by General Hines, the Administrator of Veterans' Affairs, that that was his specific intention, under this language, as to the course he would follow. I believe it is better to give the Administrator the most general authority possible, with that understanding. I certainly do not wish to have the Administrator of Veterans' Affairs establishing some new governmental agency. Neither did the committee. General Hines was in entire accord with the committee's views on that question, and I was entirely satisfied with General Hines' statement. The gentlemen who talked to me about this proposal, some of whom I have known for some time, and who are good friends of mine, apparently have never taken the trouble to read General Hines' testimony before the committee.

Mr. VANDENBERG. On the basis of the Senator's statement, I am satisfied. I think we agree in our interpretation of the objective.

Mr. CLARK of Missouri. There is no question that the Senator from Michigan and I, as well as the whole committee, are unanimous in not wishing to have a new governmental agency established.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Arizona.

Mr. McFARLAND. I should like to say, particularly for the benefit of the Senator from Michigan, that the educational features of this bill, and particularly the loan features, almost adopt the amendment which was submitted by the Senator from South Carolina [Mr. MAYBANK] and I to the original bill. We went over this particular section many times in trying to find the proper agency to handle these loans. It was our desire, and it was the desire of the veterans' organizations—both the American Legion and the Veterans of Foreign Wars—that no new agencies be created, but that existing agencies be used wherever possible.

Originally, in drafting this particular section I put in it the authority to create a new agency, for the reason that previously, in our original bill, we had placed that authority in the Federal Housing Administration. We found that the Federal Housing Administration did not reach all parts of the United States, and for that reason we adopted this language, and the language which would grant authority to create a new agency was stricken out.

I will ask the Senator from Missouri if that is not his interpretation of the intent. It was the intent to permit the Administrator to designate any Federal agency, any State agency, or any municipal agency, or even a private agency which he might find capable of handling them, to handle these loans.

Mr. CLARK of Missouri. That is entirely correct.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. LA FOLLETTE. In that connection, let me say that the bill is very comprehensive in character, and of necessity we had to lodge a measure of discretionary authority in the Administrator of Veterans' Affairs to work out the necessary administrative machinery to execute the broad purposes and provisions of the bill. We might as well recognize that frankly at the outset. If we had sat down and tried to draft definitive statutory provisions creating instrumentalities for all the broad aspects of this program, ranging all the way from hospitalization through education, including placing veterans who desire to go there on farms and giving them loans for business and home purposes, this measure would have taken 2 or 3 years of consideration.

Mr. CLARK of Missouri. In addition, it would have been so voluminous that no one would have been able to understand it or even read it.

Mr. LA FOLLETTE. We probably would not have been able to frame such

a bill. Frankly, the Senate and the country might as well recognize that there must be some experience under the proposed act before we can possibly hope to work out all the minute details.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WEEKS. I should like to return to page 10 and ask a question. In lines 4, 5, and 6 it is provided that—

The Administrator may utilize the services of any legally designated Federal or State educational or vocational agency in the execution of this part subject to agreements with the responsible heads of such agencies.

Why should not the word "may" be "shall"? I understand that it is intended that such agencies shall be used.

Mr. CLARK of Missouri. I think there is no controversy as to the purpose of the bill or as to the intention of the Administrator. The reason the word "shall" was not used—and that was considered both in the subcommittee and the full committee—is that there are certain States which have no agency to which reference might be made.

Mr. WEEKS. Mr. President, is it clearly the intention of the bill and of the Administrator to utilize State agencies where available?

Mr. CLARK of Missouri. There is no dispute whatever about that. The great difficulty is that there are certain States which have no equivalent to what in my State is the superintendent of schools. Equivalent agencies go by different names in different States, but some States do not have any such agency as this at all. Some of them are not adequate, and some discretion has to be left in the Administrator as to whom he shall use in carrying out the program.

Mr. WEEKS. Then I understand it to be the intention to utilize such agencies where they are adequate and available.

Mr. CLARK of Missouri. There is no question about it.

Mr. LA FOLLETTE. Mr. President, I should like to invite the attention of the Senator from Massachusetts to the fact that in order to take care of the situation in those States which have not heretofore created a suitable agency, if he will look on page 14, line 25, section 11, he will see that we have provided that the President, upon recommendation of the Administrator, may request the Governor of any State to designate a suitable agency. In order further to reassure the Senator, let me say that, if my recollection serves me correctly, General Hines stated on numerous occasions that he intended to use the State agencies wherever they were truly representative of all the institutions in the State.

Mr. CLARK of Missouri. I thank the Senator.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BUSHFIELD. I should like to have a little information about title IV on page 26. The Senator will recall that 2 years ago an attempt was made to pass a bill through Congress to take the employment service away from the various States and federalize it. After a very

bitter fight in the Congress the Governors of various States were able to persuade the Congress not to enact the bill. Then when the war started the President requested each of the Governors to turn over the employment service of his State to the Federal Government. As a Governor at that time, I did so, and I am sure that every other Governor in the country turned the employment service of his State over to the Federal Government with the reservation that it should be turned back to the State as soon as the war was over.

I find on page 26, in lines 12 and 13, the language:

For the purpose there is hereby created within the United States Employment Service—

And so forth. Again on page 27 the United States Employment Service is referred to twice, and on page 29 it is referred to again. I should like an explanation. In view of the fact Congress refused to federalize the employment service, would not the language in the bill have the effect of federalizing the service which the States refused to turn over?

Mr. CLARK of Missouri. I do not think so at all. The United States Employment Service is in existence. There is no question about its present status. What the language under title IV of the bill is designed to do is to make provision for veterans. In times past for the veterans of the First World War we had a veterans' placement service. I think I can say without fear of successful contradiction that the service has been the red-headed stepchild of all the Government services. It has been pushed around from pillar to post, from the Labor Department over to the Social Security Department. We intend to make the Veterans' Placement Service effective so far as we can. We will employ the existing governmental agency.

Mr. BUSHFIELD. Mr. President, will the Senator further yield?

Mr. CLARK of Missouri. I yield.

Mr. BUSHFIELD. I agree completely with the Senator about the Veterans' Employment Service. In fact, I am one of the sponsors of this bill, but I know that the States are tremendously concerned over whether or not the Federal service will take away the employment service which existed in all the States before the President asked them to surrender.

Mr. CLARK of Missouri. I do not think that will occur. I shall be glad to yield to the Senator from Wisconsin [Mr. LA FOLLETTE], who is familiar with that question.

Mr. LA FOLLETTE. Mr. President, perhaps I could make a brief statement which might help to reassure the Senator from South Dakota.

In drafting both the compensation title and the employment title great care was exercised in order to assure that this bill should not be made the vehicle for any controversy as to the federalization of either the unemployment compensation or employment service. As the Senator has said, the Wagner-Peyser set-up was lifted to the Federal level as a part of the war effort, but I feel cer-

tain that this has no bearing on any permanent recognition of such federalization, and I may say to the Senator that representatives of State agencies have collaborated in the drafting of this bill with the very fear that the Senator has in mind. So far as I know, they are entirely satisfied that, granting the fact that there will be Federal participation because the veterans are to be paid out of the Treasury, so far as it is humanly possible we have safeguarded the State systems.

Mr. BUSHFIELD. Mr. President, will the Senator from Missouri yield in order that I may propound a question to the Senator from Wisconsin?

Mr. CLARK of Missouri. I yield.

Mr. BUSHFIELD. Is it the feeling and position of the committee itself with respect to this bill that there will be no federalization?

Mr. LA FOLLETTE. I think I am safe in saying that it was our desire and determination that the bill should not become the vehicle for any federalization beyond the point that is inherent in the fact that the Federal Government will be paying unemployment compensation to veterans without State participation, and from Federal money.

Mr. BUSHFIELD. I thank the Senator.

Mr. BALL. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BALL. Will the Senator explain the necessity of the language on page 5, under chapter II, referring to representatives of veterans' organizations being certified to the Secretary of War or Secretary of the Navy by the Administrator of Veterans' Affairs. The language "accredited representatives of the veterans' organizations specified in section 200 of the act of June 29, 1936" is followed by the language, "and other such organizations recognized by the Administrator of Veterans' Affairs thereunder in the presentation of claims under laws administered by the Veterans' Administration."

On page 8, where the word "counsel" is used in connection with review proceedings, the same language is not used. In other words, the phrase "and other such organizations" is not there.

Mr. CLARK of Missouri. Mr. President, of course the language referred to on page 5 refers to a specific act of Congress which enumerates certain organizations and authorizes the Veterans' Administration to recognize and designate certain other organizations. On page 8 the term used is "recognized." I take it that that is all-inclusive. If the Senator wishes to be meticulous about the matter I will accept an amendment.

Mr. BALL. I merely wish to find out if the language means the same thing in both places.

Mr. CLARK of Missouri. Certainly it is intended to mean the same thing. The term "recognized" includes every organization recognized under the act.

Mr. BALL. It not only recognizes, but authorizes.

Mr. CLARK of Missouri. It authorizes the Veterans' Administration to recognize other organizations.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. On page 5, line 14, the language is, "veterans' organizations specified in section 200." On page 8 the language is simply "recognized by the Veterans' Administration under section 200." So there is no real lack of harmony between the two.

Mr. LA FOLLETTE. In other words, if additional organizations other than those specified in Public Law 844, should subsequently be added, the language on page 8 would include them.

Mr. CLARK of Missouri. If the soldiers in this war do not wish to join the American Legion, or the Veterans of Foreign Wars, or any other veterans' organization in existence, they can form a veterans' organization of their own which will probably be larger than all the rest of them put together, they can qualify with the Veterans' Administration, and be recognized and come in on the same status with the others.

Mr. CHANDLER. Mr. President, before the vote is taken, I wish to compliment the Senator from Missouri for his devotion to the public service in helping to have this bill prepared and brought before the Senate. Thousands of boys, perhaps nearly a million, are out of the Army now. Many of them need hospitalization, and facilities additional to those they now have; many of them need education which is not provided; many of them need homes; and this bill will go a long way toward giving these men a chance to get another start. I desire to express my personal appreciation of the hard work the Senator from Missouri has done to secure the passage of the bill.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. BRIDGES and other Senators asked for the yeas and nays.

Mr. CLARK of Missouri. Mr. President, before a decision is taken on the yeas and nays, I feel that I should make a statement.

This bill was introduced and sponsored by 81 Senators. So far as I am informed and know, every Senator was given opportunity to be one of the sponsors of the bill. There are some Senators for whom it has been impossible to be here today, and I have taken the responsibility of saying that, if they were not here, so far as I was concerned, as the Senator in charge of the bill, who has lived with the bill for nearly 3 months, who has worked with it, who has conducted the hearings, I would not ask for the yeas and nays, because I thought it would be unfair to some Senators who would be unavoidably detained. I can mention the case of one Senator who had specifically telegraphed me that she desired to return here and vote on this bill, although she has been at home for some time, and her business requires her to remain at home. I refer to the Senator from Arkansas [Mrs. CARAWAY].

I advised her that in my opinion there would not be a record vote on the measure, particularly in view of the fact that I did not know of any opposition to the bill, and the fact that 81 Senators had indicated their support by joining as sponsors.

If any Senator desires to demand the yeas and nays, I have no wish to oppose it, but I feel it incumbent on me at this time to make the statement that certain Senators are absent who would have been present if they had been advised there would be a record vote on the bill.

Mr. AUSTIN. Mr. President, my name does not appear on this bill, not because I am opposed to the bill, not because I ever was opposed to it; on the contrary, I have great interest in the bill, as I think every Senator here knows. For a long time I have been working closely with the American Legion in various causes. Some of them appear in bills of which I have been sponsor without getting a large number of subscribers to the bills.

I need not state my reason for not becoming a sponsor of the bill. I have very good reasons, which are well understood by members of the American Legion who are interested in the bill now before the Senate. I think my colleagues may understand what those reasons are. They have nothing to do with this particular bill. They have to do with what I regard as good practice in legislation. They are my own views; I do not impose them on anyone else. I do not even say what they are. But if there is no vote taken, I want it distinctly understood that I am for this proposed legislation.

Mr. BARKLEY. Mr. President, I should like to say to the Senator from Maine and the Senator from New Hampshire that it is generally understood there is no one opposed to the bill. I doubt if there is a Senator who would vote against the bill if there should be a roll call. Circumstances have made it necessary for us to bring the bill up at this late hour, and unless there is some Senator who is opposed to the bill and will so state, there might be some way to have it understood that the bill has the unanimous support of the Members of the Senate, so as not to do an injustice to anyone who is unavoidably absent, and who, if he had been told or advised that a yeas-and-nays vote might be had, would have attempted to be here. It seems to me we might obviate the necessity of a yeas-and-nays vote, because I do not believe there would be a vote against the bill, either on roll call or vive voce vote.

Mr. MALONEY. Mr. President, after telling the majority leader that I intended to vote for the bill, it does not make any difference to me whether we have a yeas-and-nays vote or not.

Mr. WHITE. Mr. President, I happen to be in a situation in part like that of the Senator from Vermont [Mr. AUSTIN]. My name is not attached as one of the sponsors of the bill, because I happen to think it is poor, unsound legislative practice to undertake to sign up a large number of Senators as sponsors for a bill. Personally, I am for the legislation, but I felt there might be some other Senators whose names do not appear on the list who would want the opportunity to vote either for it or against it. So far as I am

concerned, in view of what the Senator from Kentucky has said, I am perfectly willing to withdraw my request for the yeas and nays and leave the responsibility with others.

Mr. DANAHER. Mr. President, I have never signed with the eighty-odd Members of the Senate this bill known as S. 1767. I am a member of the veterans' subcommittee of the Committee on Finance. I knew very well that many conflicting provisions were presented to us by various organizations. The Senator from New York [Mr. WAGNER] had an amendment which we considered, which markedly improved the bill, in my judgment. Indeed, Mr. President, there were many sections of the bill, in the form in which it came before us, which no 80 Senators, no 8 Senators, should have approved, in my opinion.

There came from the Committee on Education and Labor Senate bill 1509, which is on the calendar this very minute as order No. 697. That bill undertakes to provide a complete method of education for those who served in the armed forces. The bill received the careful attention of the Committee on Education and Labor. In fact, I talked the matter over with the Senator from Ohio [Mr. TAFT], who had given it very great attention, and who told me what he felt were the very definite merits of that particular bill.

I have said enough to indicate that there can be very valid and very substantial reasons why some should not appear to foreclose themselves with reference to a particular measure, either for or against, either in its entirety or in part. On that account I was not one of the sponsors of the bill. However, I think that if there are Senators who never have had a chance to be recorded either for or against the bill, a yeas-and-nays vote is the only way by which they can be recorded.

Mr. GERRY. Mr. President, I am in much the same position as the Senator from Maine. I do not think it good practice to sign a bill until it has been before my committee, and I have had a chance to study it. Under those circumstances I did not have my name placed on the bill. Unfortunately I had to be away the day the committee met, but I have studied the bill and am in favor of it. I simply wish it to appear in the RECORD that I am in favor of the bill. But I do think it is unfair to Senators who are in favor of the bill and who are here not to be given an opportunity to state their position with respect to the bill.

Mr. REED. Mr. President, I am in the same position to some extent as are the Senators who have spoken heretofore. I do not want to say that I had no chance to put my name on the bill. I did have that chance. I was away from the Senate, and expected to be away from the Senate for 2 or 3 weeks at the time the bill was introduced. One of my friends from Kansas called me up from Washington and told me the bill was to come before the Senate, and asked if I wanted my name placed on the bill. My answer was that I hesitated very much to put my name on a bill concerning which I did not know anything. I had not seen

it and did not know what it contained. I knew there was more or less controversy as to some of its provisions.

Of course, I am for the bill. I expect to vote for it. I am not particular about whether a yea-and-nay vote is had on the bill. If any Senators desire a yea-and-nay vote I will join them in the request. If they do not desire a yea-and-nay vote it is perfectly all right with me.

Mr. LANGER. Mr. President, at the request of various veterans' organizations of North Dakota, I desire to thank the distinguished senior Senator from Missouri [Mr. CLARK] for the splendid job he has done in piloting the bill through the Senate.

Mr. McCLELLAN. Mr. President, my name appears as one of the sponsors of the bill. I should like my vote to be recorded on it. If we have a yea-and-nay vote I shall vote for the bill. If we do not have one I want the RECORD to show now that I vote for the passage of the bill.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BRIDGES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK of Missouri. Mr. President, I withdraw my opposition to the yeas and nays being ordered. I have a tally sheet in my hand, and will be able to take care of the sponsors of the bill who are not present.

The VICE PRESIDENT. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL (when Mr. BANKHEAD's name was called). My colleague the senior Senator from Alabama [Mr. BANKHEAD] is not present. He is one of the sponsors of the bill. His name appears on it as one of the proposers of the bill. He is heartily in favor of it. If present he would vote "yea."

Mr. McCLELLAN (when Mrs. CARAWAY's name was called). The Senator from Arkansas is unavoidably absent. She is one of the sponsors of the bill. I know that if present she would vote "yea."

Mr. OVERTON (when Mr. ELLENDER's name was called). My colleague the junior Senator from Louisiana [Mr. ELLENDER] is unavoidably absent. I am advised that if he were present he would vote "yea."

Mr. VANDENBERG (when Mr. FERGUSON's name was called). The junior Senator from Michigan is unavoidably absent on official business for the Senate. He is one of the sponsors of the bill, and if present would vote "yea."

Mr. HAYDEN (when his name was called). I have a general pair with the Senator from North Dakota [Mr. NYE], who is one of the coauthors of the bill. I know that if he were present he would vote as I intend to vote. I vote "yea."

Mr. WAGNER (when Mr. MEAD's name was called). My colleague the junior Senator from New York is unavoidably absent on official business. He is one of the sponsors of the bill. If present, he would vote "yea."

Mr. WHEELER (when Mr. MURRAY's name was called). My colleague the

junior Senator from Montana [Mr. MURRAY] is one of the cosponsors of the bill. He is absent on official business. If present, he would vote "yea."

Mr. LA FOLLETTE (when Mr. NYE's name was called). The senior Senator from North Dakota [Mr. NYE] is necessarily absent. He is one of the cosponsors of the bill. If present, he would vote "yea."

Mr. BURTON (when Mr. TAFT's name was called). My colleague the senior Senator from Ohio [Mr. TAFT] is unavoidably absent. If present, he would vote "yea."

Mr. BARKLEY (when the name of Mr. THOMAS of Utah was called). I announce that the Senator from Utah [Mr. THOMAS] is unavoidably absent from the Senate. If he were present, he would vote "yea."

The roll call was concluded.

Mr. CLARK of Missouri. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Illinois [Mr. BROOKS], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Oregon [Mr. CORDON], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Michigan [Mr. FERGUSON], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from South Dakota [Mr. GURNEY], the Senator from New Mexico [Mr. HATCH], the Senator from New Jersey [Mr. HAWKES], the Senator from Indiana [Mr. JACKSON], the Senator from California [Mr. JOHNSON], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Oklahoma [Mr. MOORE], the Senator from Utah [Mr. MURDOCK], the Senator from Montana [Mr. MURRAY], the Senator from North Dakota [Mr. NYE], the Senator from Texas [Mr. O'DANIEL], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Nevada [Mr. SCRUGHAM], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], my colleague the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], the Senator from Washington [Mr. WALLGREN], the Senator from Massachusetts [Mr. WALSH], and the Senator from New Jersey [Mr. WALSH], all sponsors and cointroducers of the bill, are unavoidably detained, but if present would vote "yea."

Mr. WHERRY. Mr. President, in order that there may be no mistake in the RECORD regarding the absence of Republican Senators who are neces-

sarily absent, I desire to state that the Senator from New Hampshire [Mr. TOBEY], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. CORDON], the Senator from South Dakota [Mr. GURNEY], the Senator from Oklahoma [Mr. MOORE], the Senator from California [Mr. JOHNSON], the Senator from Ohio [Mr. TAFT], the Senator from Vermont [Mr. AIKEN], and the Senator from New Jersey [Mr. HAWKES] are necessarily absent, and if present would vote "yea."

The Senator from Michigan [Mr. FERGUSON] is absent on work of the Truman Committee. The Senator from New Hampshire [Mr. TOBEY] is absent on public matters.

The result was announced—yeas 50, nays 0, as follows:

YEAS—50

Andrews	George	Revercomb
Austin	Gerry	Robertson
Ball	Hayden	Russell
Barkley	Hill	Shipstead
Brewster	Holman	Stewart
Bridges	Johnson, Colo.	Thomas, Idaho
Buck	La Follette	Tunnell
Burton	Langer	Vandenberg
Bushfield	McClellan	Wagner
Butler	McFarland	Weeks
Capper	McKellar	Wheeler
Chandler	Maloney	Wherry
Clark, Mo.	Maybank	White
Connally	Millikin	Wiley
Danaher	O'Mahoney	Willis
Davis	Overtown	Wilson
Eastland	Reed	

NAYS—0

NOT VOTING—46

Aiken	Green	Pepper
Bailey	Guffey	Radcliffe
Bankhead	Gurney	Reynolds
Bilbo	Hatch	Scrugham
Bone	Hawkes	Smith
Brooks	Jackson	Taft
Byrd	Johnson, Calif.	Thomas, Okla.
Caraway	Kilgore	Thomas, Utah
Chavez	Lucas	Tobey
Clark, Idaho	McCarran	Truman
Cordon	Mead	Tydings
Downey	Moore	Wallgren
Ellender	Murdock	Walsh, Mass.
Ferguson	Murray	Walsh, N. J.
Gillette	Nye	
Glass	O'Daniel	

So the bill S. 1767 was passed, as follows:

Be it enacted, etc., That this act may be cited as the "Servicemen's Aid Act of 1944."

TITLE I

CHAPTER I—HOSPITALIZATION, CLAIMS, AND PROCEDURES

SEC. 100. The Veterans' Administration is hereby declared to be an essential war agency and entitled, second only to the War and Navy Departments, to priorities in personnel, equipment, supplies, and material under any laws, Executive orders, and regulations pertaining to priorities, and in appointments of personnel from civil-service registers the Administrator of Veterans' Affairs is hereby granted the same authority and discretion as the War and Navy Departments and the United States Public Health Service.

SEC. 101. The Administrator of Veterans' Affairs and the Federal Board of Hospitalization are hereby authorized and directed to expedite and complete the construction of additional hospital facilities for war veterans, and to enter into agreements and contracts for the use of suitable Army and Navy hospitals by the Veterans' Administration after cessation of hostilities and after such institutions are no longer needed by the armed services; and the Administrator of Veterans' Affairs is hereby authorized and directed to establish regional offices, suboffices, branch offices, contact units, or other subordinate

offices in centers of population where there is no Veterans' Administration facility, or where such a facility is not readily available or accessible: *Provided*, That there is hereby authorized to be appropriated the sum of \$500,000,000 for the construction of additional hospital facilities.

SEC. 102. The Administrator of Veterans' Affairs and the Secretary of War and Secretary of the Navy are hereby granted authority to enter into agreements and contracts for the mutual use or exchange of use of hospital and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate properly such facilities, except that at no time shall the Administrator of Veterans' Affairs enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number now established or approved, plus the estimated number required to meet the load of eligibles under laws administered by the Veterans' Administration, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

Nothing in the Selective Training and Service Act of 1940, as amended, or any other act, shall be construed to prevent the transfer or detail of any commissioned or enlisted personnel from the armed forces to the Veterans' Administration, subject to agreements between the Secretary of War or the Secretary of the Navy and the Administrator of Veterans' Affairs: *Provided*, That no such detail shall be made or extend beyond 6 months after the termination of the war.

SEC. 103. The Administrator of Veterans' Affairs shall have authority to place officials and employees designated by him in such Army and Navy installations as may be deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Army and Navy who are about to be discharged or released from active service.

SEC. 104. No person shall be discharged or released from active duty in the armed forces until his certificate of discharge or release from active duty and final pay, or a substantial portion thereof, are ready for delivery to him or to his next of kin or legal representative; and no person shall be discharged or released from active service on account of disability until and unless he has executed a claim for compensation, pension, or hospitalization, to be filed with the Veterans' Administration or has signed a statement that he presently does not desire to file such claim: *Provided*, That this section shall not preclude immediate transfer to a veterans' facility for necessary hospital care, nor preclude the discharge of any person who refuses to sign such claim or statement.

SEC. 105. No person in the armed forces shall be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have, or any other statement against his own interest. In the adjudication of any claim against the United States arising out of service in the armed forces, all Government agencies are hereby authorized and directed to disregard and to hold for naught any such statements heretofore signed by any such person.

CHAPTER II—AID BY VETERANS' ORGANIZATIONS

SEC. 200. (a) That upon certification to the Secretary of War or Secretary of the Navy by the Administrator of Veterans' Affairs of accredited representatives of the veterans' organizations specified in section 200 of the act of June 29, 1936 (Public Law No. 844, 74th Cong.), and other such organizations recognized by the Administrator of Veterans' Affairs thereunder in the presentation of claims under laws administered by the Veterans' Administration, the Secretary of War and Secretary of the Navy are hereby

authorized and directed to permit the functioning, in accordance with regulations prescribed pursuant to subsection (b) of this section, of such accredited representatives in military or naval installations on shore from which persons are discharged or released from the active military or naval service: *Provided*, That nothing in this section shall operate to affect measures of military security now in effect or which may hereafter be placed in effect.

(b) The necessary regulations shall be promulgated by the Secretary of War and the Secretary of the Navy jointly with the Administrator of Veterans' Affairs to accomplish the purpose of this section, and in the preparation of such regulations the national officer of each of such veterans' organizations who is responsible for claims and rehabilitation activities shall be consulted. The commanding officer of each such military or naval installation shall cooperate fully with such authorized representatives in the providing of available space and equipment for such representatives.

CHAPTER III—REVIEWING AUTHORITY

SEC. 300. The discharge or dismissal by reason of the sentence of a court martial of any person from the military or naval forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or of an officer by the acceptance of his resignation for the good of the service, shall bar all rights of such person, based upon the period of service from which he is so discharged or dismissed, under any laws administered by the Veterans' Administration: *Provided*, That in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of the offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration: *And provided further*, That this section shall not apply to any Government (converted) or national service life-insurance policy.

SEC. 301. The Secretary of War and the Secretary of the Navy, after conference with the Administrator of Veterans' Affairs, are authorized and directed to establish in the War and Navy Departments, respectively, boards of review composed of five members each, whose duties shall be to review, upon the request of a former officer or enlisted man or woman, the type and nature of his discharge or dismissal, except a discharge or dismissal by reason of the sentence of a court martial. Such review shall be based upon all available records of the service department relating to the person requesting such review, and such other evidence as may be presented by such person. Witnesses shall be permitted to present testimony either in person or by affidavit and the person requesting review shall be allowed to appear before such board in person or by counsel: *Provided*, That the term "counsel" as used in this section shall be construed to include, among others, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (Public Law No. 844, 74th Cong.). Such board shall have authority to change, correct, or modify any discharge or dismissal, except a discharge or dismissal by reason of the sentence of a court martial, in accord with the facts presented to the board. The Articles of War and the Articles for the Government of the Navy are hereby amended to authorize the Secretary of War and the Secretary of the Navy to establish such boards of review, the findings thereof to be subject to final approval of the Secretary of War or the Secretary of the Navy, respectively.

TITLE II

CHAPTER IV—EDUCATION OF VETERANS

SEC. 400. Veterans Regulation 1 (a), as amended by Public Law No. 16, Seventy-eighth Congress, March 24, 1943, is hereby further amended by adding part VIII, to read as follows:

"PART VIII

"1. That any person who served in the active military or naval service on or after September 16, 1940, and prior to the termination of the present war, and who shall have been discharged or relieved therefrom under conditions other than dishonorable shall be eligible for education and training under this part: *Provided*, That such person shall have been in active service not less than 6 months, or shall have been discharged or released from active service by reason of an actual service-incurred injury or disability.

"2. The President shall appoint in the Veterans' Administration upon the recommendation of the Administrator of Veterans' Affairs a Director of Servicemen's Education and Training who, subject to the direction of the Administrator of Veterans' Affairs, shall administer the provisions of this part. The Administrator shall from time to time promulgate such rules and regulations as may be necessary to carry out the provisions of this part; and he may exercise any power or authority conferred on him by this part through the Director and such additional officers and employees as the Administrator may appoint, within appropriations made therefor by the Congress. The Administrator may utilize the services of any legally designated Federal or State educational or vocational agency in the execution of this part subject to agreements with the responsible heads of such agencies.

"3. There is hereby authorized to be established an advisory council to aid and advise the Administrator in the execution of his duties under this part. The council shall consist of the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Federal Security Administrator, the Administrator of Veterans' Affairs who shall be chairman, the United States Commissioner of Education, and eight representatives of the public, to be appointed by the President on the recommendation of the Administrator of Veterans' Affairs, who shall be recognized leaders in the fields of education, labor, agriculture, and industry. The public representatives shall be selected as nearly as practicable on a regional basis. The members of the council shall not receive any compensation for their services on the council, but shall be reimbursed for all necessary travel expenses and members appointed shall receive a per-diem allowance of \$15 in lieu of subsistence while away from their respective places of residence on the business of the council.

"4. Persons eligible for education and training under this part shall be entitled to receive education and training at any approved educational or training institution in which they wish to enroll, whether or not it is located in the State in which they reside: *Provided*, That they are accepted as students by such institution in any field or branch of knowledge for which they are found by such institution to be qualified.

"5. Persons eligible under this part shall be entitled to education and training at an approved educational or training institution for a period of 1 year (or the equivalent thereof in continuous part-time study), or for such lesser time as may be required to complete the course of instruction chosen by them, beginning not later than 2 years after the date of discharge or release from active duty or 2 years after the date of termination of the present war, whichever is later: *Provided*, That no education or training under this part shall be afforded beyond 7 years after termination of the present war.

"6. Except as to a refresher or retraining course, a further period of education or training not exceeding 3 additional years may be provided for persons who have satisfactorily completed the first year of education or training: *Provided*, That no person shall be eligible for a period of such additional education or training in excess of the total period he served in the active service during the present war, exclusive of (1) the 6 months' qualifying service and (2) any period of education or training which he may have received under the Army specialized training program or the Navy college training program, or as a cadet at one of the service academies. Such persons shall be selected from those voluntarily apply for such further period of education or training. The further period of education or training shall be continuous instruction on a full-time basis as defined by the institution in which it is obtained. Subject to the above limitations, any person who has not completed his course of education or training but has satisfactorily completed his first year, shall be eligible and entitled to continue his course of education or training until he has completed the same, provided his work continues satisfactorily throughout the remaining period. The selection of persons for a further period of education or training under this part shall be made in accordance with rules, standards, and methods established by the Administrator.

"7. The Administrator shall provide for the payment by the United States of such customary tuition, laboratory, library, health, infirmary, and other similar fees and charges, as may be approved by the Administrator, to the educational or training institutions furnishing education or training to persons under this part so long as such persons maintain regular attendance and are in good standing at such institutions, but in no event shall such payment with respect to any person exceed \$500 for an ordinary school year: *Provided*, That such payments shall not include charges for board, lodging, or other living expenses, and no payments shall be made to business or other establishments furnishing apprenticeship or other training on the job. If any publicly supported institution has no established tuition fee or if the established tuition fee at any publicly supported institution (including the fee for nonresident students) shall be found by the Administrator to be inadequate compensation to such institution for furnishing education or training to persons eligible under this part, he is authorized to provide for the payment with respect to any such person of such compensation as he may find to be fair and reasonable, but not to exceed \$500 for an ordinary school year.

"8. Every person who attends on a full-time basis an approved educational or training institution in accordance with this part shall be entitled to receive a subsistence allowance of \$50 per month while in attendance and in good standing at such institution, including regular holidays and leave not exceeding 30 days in a calendar year, in accordance with regulations issued by the Administrator. A person having a dependent or dependents shall be entitled to receive an additional sum of \$25 per month. Persons attending on a part-time basis and persons receiving compensation for productive labor performed as part of their apprenticeship or other training on the job at business establishments shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances as may be determined by the Administrator.

"9. The Administrator may arrange for educational and vocational guidance of the persons eligible for education and training under this part. At such intervals as he deems necessary, he shall make information

available respecting the need for general education and for trained personnel in the various trades, crafts, and professions: *Provided*, That facilities of other Federal agencies collecting such information shall be utilized.

"10. The Administrator shall transmit to the Congress annually a report of operations under this part. If the Senate or the House of Representatives is not in session, such reports shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be.

"11. The President upon recommendation of the Administrator may request the chief executive of any State to designate the legally constituted State educational agency or agencies, or, if no such State educational agency is available, may request the creation of a special board to act in lieu thereof for the purpose of furnishing lists of approved educational or training institutions in such State which are found, in accordance with standards established by the Administrator, to be qualified to provide education and training to persons eligible under this part: *Provided*, That in the event the Administrator is of the opinion that any institution should be included in, or excluded from, such lists from any State he shall make recommendations to that effect to the appropriate State agency or special board. Wherever the State educational agency is not representative of all the educational or training institutions eligible for approval in accordance with this part, the President upon the recommendation of the Administrator may request the chief executive of the State to appoint an advisory committee consisting of persons who shall represent the elementary, secondary, and vocational schools, the colleges, junior colleges, professional schools, universities, and other educational institutions, and business and other establishments providing apprenticeship or other training on the job in the State, to aid and advise the State educational agency in the execution of their functions under this part. Only such educational or training institutions as are included in such lists and approved by the Administrator shall be deemed approved educational or training institutions within the meaning of this part: *Provided*, That wherever there are established State apprenticeship agencies expressly charged by State laws to administer apprenticeship training, the Administrator shall, whenever possible, utilize such existing facilities and services in training on the job when such training is of 1 year's duration or more.

"12. As used in this part, the term 'State' shall include the States of the United States, the Territories and possessions, the District of Columbia, and the Philippine Islands: *Provided*, That until the termination of Japanese occupancy of the Philippine Islands and the restoration of orderly processes of government therein, the provisions of this part, to the extent that they require action within the territorial limits of the Philippine Islands, shall not apply; the term 'educational or training institution' shall include public or private elementary, secondary, and other schools furnishing education for adults, business schools and colleges, scientific and technical institutions, colleges, vocational schools, junior colleges, teachers colleges, normal schools, professional schools, and universities, and shall also include business or other establishments providing apprenticeship or other training on the job under the supervision of an approved college or university, or any State department of education or any State apprenticeship agency or State board of vocational education, or any State apprenticeship council or the Federal Apprenticeship Training Service established in accordance with Public Law No. 308, Seventy-fifth Congress, or any agency in the executive branch of the Federal Government authorized under other laws to

supervise such training. No business or other establishment providing apprenticeship or other training on the job to persons eligible for training under this part shall be approved for training under the provisions of this part unless such establishment compensates such persons at rates of pay required by applicable State or Federal laws and which are fair and reasonable for any productive labor performed as part of their training and unless such establishment meets all applicable State and Federal statutes and regulations relating to health, safety, and other conditions of labor.

"13. Any person eligible for the benefit of this part who is also eligible for the benefit of part VII may elect which benefit he desires: *Provided*, That subsistence allowance hereunder shall not, in the event of such election, exceed the amount of additional pension otherwise payable were the training under said part VII.

"14. No department, agency, or officer of the United States in carrying out the provisions of this part shall exercise any supervision or control over any State educational agency or State apprenticeship agency or any educational or training institution with respect to their personnel, curriculum, or methods or materials of instruction. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by other provisions of law to exercise over any educational or training institution, or to prevent the furnishing of education or training under this part in any institution over which such supervision or control is exercised under authority of other provisions of law."

SEC. 401. Section 3, Public Law No. 16, Seventy-eighth Congress, is hereby amended to read as follows:

"Sec. 3. The appropriation for the Veterans' Administration, 'Salaries and expenses, medical and hospital, and compensation and pensions,' shall be available for necessary expenses under part VII, as amended, or part VIII of Veterans Regulation 1 (a), and there is hereby authorized to be appropriated such additional amount or amounts as may be necessary to accomplish the purposes thereof. Such expenses may include, subject to regulations issued by the Administrator, and in addition to medical care, treatment, hospitalization, and prosthesis, otherwise authorized, such care, treatment, and supplies as may be necessary to accomplish the purposes of part VII, as amended, or part VIII of Veterans Regulation 1 (a)."

SEC. 402. Public Law No. 16, Seventy-eighth Congress, is hereby amended by adding thereto a new section 4 to read as follows:

"Sec. 4. Any books or equipment furnished a trainee or student under part VII, as amended, or part VIII of Veterans Regulation 1 (a), shall, unless waived by the Administrator, be returned or the reasonable value thereof accounted for if he, because of fault on his part, fails to complete satisfactorily a course of training or schooling afforded thereunder."

SEC. 403. Subsection (f) of section 1, title I, Public Law No. 2, Seventy-third Congress, and paragraph 1 of part VII of Veterans Regulation No. 1 (a), as amended by Public Law 16, Seventy-eighth Congress, March 24, 1943, are hereby amended by deleting the dates "December 7, 1941" and "December 6, 1941", and substituting the date "September 16, 1940."

TITLE III—LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES, FARMS, AND BUSINESS PROPERTY

CHAPTER V—GENERAL PROVISIONS FOR LOANS

SEC. 500. (a) Any person who shall have served in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination

of the present war, and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of 90 days or more, or shall have been discharged or released therefrom after less than 90 days of service for disability incurred in line of duty, shall be deemed to be a veteran eligible for the benefits of this title, except that no person shall be eligible for such benefits by reason of service from which he shall have been discharged or released on his own initiative to accept employment unless he had served outside the continental limits of the United States or in Alaska. Any such veteran may apply to the Administrator of Veterans' Affairs for a loan for any of the purposes specified in sections 501, 502, and 503. If the Administrator finds that the veteran is eligible for the benefits of this title and is in need of such loan, the Administrator shall submit the veterans' application for approval of the loan as provided in sections 501, 502, and 503. When any such loan has been approved as provided in such sections, the loan shall be made by the Administrator of Veterans' Affairs.

(b) The aggregate of all loans made to any one veteran under this title shall be for such amount not in excess of \$1,000 as may be applied for by the veteran. Any such loan shall bear no interest for the first year after the loan is made, and thereafter shall bear interest at the rate of 3 percent per annum, compounded annually. No guarantor of any such loan shall be required and no security for the loan shall be required except for a lien, which shall be subject only to a lien covering the balance of the purchase price or construction cost and such ground rents as may arise from the purchase of a leasehold estate. No loan to be used in paying a part of the purchase price of any real property or a part of the construction cost of a dwelling to be erected upon unimproved real property owned by the veteran shall be denied or disapproved under this title because another loan is made or to be made to finance any part of the remainder of the purchase price or construction cost of such property, or because a lien upon the property is given or to be given as security for such other loan.

(c) Any loan made under this title shall be repayable to the Administrator of Veterans' Affairs, and, except as otherwise provided in this title, shall be subject to such terms and conditions as may be prescribed jointly by such Administrator and the head of the department or agency to whom the application is submitted for approval of the loan.

Purchase or construction of homes

SEC. 501. (a) Any application made under this title for a loan to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by the veteran to be occupied as a home by the veteran applicant shall be submitted to an agency designated pursuant to subsection (d) for its approval. Such agency shall approve the loan if it finds—

(1) that such loan will be used for part payment for such property to be purchased or constructed by the veteran;

(2) that the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price or the construction cost bear a proper relation to the veteran's present and anticipated income and expenses; and that the nature and condition of the property is such as to be suitable for dwelling purposes; and

(3) that the purchase price paid or to be paid by the veteran for such property or the construction cost, including the value of the unimproved lot, does not exceed the appraised value thereof as determined by such designated agency.

(b) Any application for a loan under this section for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes, or special

assessments on, residential property previously purchased or owned by the veteran, and used by him as a home, shall be submitted to an agency designated pursuant to subsection (d), which shall approve such loan if it finds that such loan will be used for such purpose.

(c) No first mortgage shall be ineligible for insurance under the National Housing Act, as amended, by reason of any loan made under this title or by reason of any secondary lien upon the property involved securing such loan.

(d) The Administrator of Veterans' Affairs may designate such agency or agencies as he deems appropriate for determining whether or not loans should be approved under this section; and he may designate the agency to which any application shall be submitted for approval under this section, except that if the veteran so requests in his application for the loan the agency designated for such purpose with respect to such loan shall be the Federal Housing Administration.

Purchase of farms and farm equipment

SEC. 502. (a) Any application made under this title for a loan to be used in purchasing any land, buildings, livestock, equipment, machinery, or implements, or in repairing, altering, or improving any buildings, to be used in farming operations conducted by the applicant, shall be submitted to the Secretary of Agriculture for his approval of the loan. Such Secretary shall approve the loan if he finds—

(1) that such loan will be used for part payment for real or personal property purchased or to be purchased by the veteran and used in bona fide farming operations conducted by him;

(2) that such property will be useful in and reasonably necessary for efficiently conducting such operations;

(3) that the ability and experience of the veteran, and the nature of the proposed farming operations to be conducted by him, are such that there is a reasonable likelihood that such operations will be successful; and

(4) that the purchase price paid or to be paid by the veteran for such property does not exceed a reasonable appraised value therefor as determined by the Secretary.

(b) Any person who is found by the Administrator of Veterans' Affairs to be a veteran eligible for the benefits of this title, as provided in section 500 hereof, and who is found by the Secretary of Agriculture, by reason of his ability and experience, to be likely to carry out successfully undertakings required of him under a loan which may be made under the Bankhead-Jones Farm Tenant Act, shall be eligible for the benefits of such act to the same extent as if he were a farm tenant.

Purchase of business property

SEC. 503. Any application made under this title for a loan to be used in purchasing any business, land, buildings, supplies, equipment, machinery, or tools, to be used by the applicant in pursuing a gainful occupation (other than farming), shall be submitted to the Secretary of Commerce for his approval of the loan. Such Secretary shall approve the loan if he finds—

(1) that such loan will be used for part payment for real or personal property purchased or to be purchased by the veteran and used by him in the bona fide pursuit of a gainful occupation (other than farming);

(2) that such property will be useful in and reasonably necessary for the efficient and successful pursuit of such occupation;

(3) that the ability and experience of the veteran, and the conditions under which he proposes to pursue such occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such occupation; and

(4) that the purchase price paid or to be paid by the veteran for such property does not exceed a reasonable appraised value therefor as determined by the Secretary.

TITLE IV

CHAPTER VI—EMPLOYMENT OF VETERANS

SEC. 600. (a) In the enactment of the provisions of this title Congress declares as its intent and purpose that there shall be an effective job-counseling and employment placement service for veterans, and that, to this end, policies shall be promulgated and administered, so as to provide for them the maximum of job opportunity in the field of gainful employment. For the purpose there is hereby created within the United States Employment Service, as established by the provisions of the act of June 6, 1933, a Veterans' Placement Service Board, which shall consist of the Administrator of Veterans' Affairs, as chairman, the Director of the National Selective Service System, and the Administrator of the Federal Security Agency, or whoever may have the responsibility of administering the functions of the United States Employment Service. The members of the Board may be represented by alternates. The Board shall determine all matters of policy relating to the administration of the Veterans' Employment Service of the United States Employment Service.

(b) The Chairman of the Board, through an executive secretary, who shall be the Chief of the Veterans' Employment Service of the United States Employment Service, shall have direct authority and responsibility for carrying out its policies through the veterans' employment representatives in the several States.

(c) The public records of the Veterans' Personnel Division, National Selective Service System, and the Veterans' Employment Service of the United States Employment Service shall be available to the Board.

SEC. 601. The United States Employment Service shall assign to each of the States (the Territories and the District of Columbia) a veterans' employment representative, who shall be a veteran of the wars of the United States and who shall be appointed, subject to the approval of the Board, in accordance with the civil-service laws, and whose compensation shall be fixed in accordance with the Classification Act of 1923, as amended. Each such veterans' employment representative shall be attached to the staff of the public employment service in the State (the Territory or the District of Columbia) to which he has been assigned. He shall be administratively responsible to the Board, through its executive secretary, for the execution of the Board's veterans' placement policies through the public employment service in the State (the Territory or the District of Columbia). In cooperation with the public employment service staff in the State, he shall—

(a) be functionally responsible for the supervision of the registration of veterans in local employment offices for suitable types of employment;

(b) assist in securing and maintaining current information as to the various types of available employment in public works and private industry or business;

(c) promote the interest of employers in employing veterans;

(d) maintain regular contact with employers and veterans' organizations with a view of keeping employers advised of veterans available for employment and veterans advised of opportunities for employment; and

(e) assist in every possible way in improving working conditions and the advancement of employment of veterans.

SEC. 602. Where deemed necessary by the Board, there shall be assigned by the administrative head of the employment service in the State one or more employees of the staffs of local employment service offices, whose

services shall be primarily devoted to discharging the duties prescribed to the veterans' employment representative.

Sec. 603. All Federal agencies shall furnish the Board such records, statistics, or information as may be deemed necessary or appropriate in administering provisions of this title, and shall otherwise cooperate with the Board in providing continuous employment opportunities for veterans.

Sec. 604. Failure of the employment service of a State to give preference to qualified registered veterans on job assignments and to cooperate in the execution of the policies of the Board shall be sufficient cause to withhold the funds made available to the State under the act of June 6, 1933, until such time as the employment service of the State complies with the laws and regulations governing the Board's administration of its veterans' placement functions. The Federal agency administering the United States Employment Service shall maintain that service as an operating entity and, during the period of its administration, shall effectuate the provisions of this title.

Sec. 605. (a) The Board through its executive secretary shall estimate the funds necessary for the proper and efficient administration of this title; such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget of the United States Employment Service. Any funds appropriated pursuant to this special item as contained in the budget of the United States Employment Service shall not be available for any purpose other than that for which they were appropriated, except with the approval of the Board.

(b) The War Manpower Commission shall from its current appropriation allocate and make available sufficient funds to carry out the provisions of this title during the current fiscal year.

Sec. 606. The term "United States Employment Service" as used in this title means that Bureau created by the provisions of the act of June 6, 1933, or such successor agencies as from time to time shall perform its functions and duties, as now performed by the War Manpower Commission.

TITLE V

CHAPTER VII—READJUSTMENT ALLOWANCES FOR FORMER MEMBERS OF THE ARMED FORCES WHO ARE UNEMPLOYED

Sec. 700. (a) Any person who shall have served in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination of the present war, and who shall have been separated from active service under other than dishonorable conditions after the date of enactment of this title or within the 52-week period preceding such date (except that no person shall be eligible for any benefit under this title by reason of any period of service from which he shall have been discharged or released on his own initiative to accept employment unless he had served outside the continental limits of the United States or in Alaska), shall be entitled, in accordance with such regulations as the Administrator of Veterans' Affairs may prescribe, to receive a readjustment allowance as provided herein for each week of unemployment, up to 52 weeks, which (1) begins after the effective date of this title, and (2) occurs during the 24-month period after final payment of mustering-out pay: *Provided*, That no such allowance shall be paid for any of the first 4 consecutive weeks following any payment of mustering-out pay, or for any period for which he receives increased pension under part VII of Veterans Regulation 1 (a) or a subsistence allowance under part VIII of such regulation: *Provided further*, That no readjustment allowance

shall be payable for any week commencing more than 5 years after the termination of hostilities in the present war.

(b) Such person shall be deemed eligible to receive an allowance for any week of unemployment if claim is made for such allowance and the Administrator finds with respect to such week that—

(1) the person is residing in the United States at the time of such claim;

(2) the person is completely unemployed, having performed no service and received no wages, or is partially unemployed in that services have been performed for less than a full workweek and the wages for the week are less than the allowance under this title plus \$3;

(3) the person is registered with and continues to report to a public employment office, or such other agency as the Administrator may designate, in accordance with regulations of the Administrator;

(4) the person is able to work and available for suitable work: *Provided*, That no claimant shall be considered ineligible in any period of continuous unemployment for failure to comply with the provisions of this subparagraph if such failure is due to an illness or disability which occurs after the commencement of such period.

CHAPTER VIII—DISQUALIFICATIONS

Sec. 800. (a) Notwithstanding the provisions of section 700 a claimant shall be disqualified from receiving an allowance if—

(1) he leaves suitable work voluntarily, without good cause, or is suspended or discharged for misconduct in the course of employment;

(2) he, without good cause, fails to apply for suitable work in accordance with regulations of the Administrator or to accept suitable work when offered him; or

(3) he, without good cause, does not attend a free training course (not within the purview of part VIII of Veterans Regulation 1 (a)), in accordance with regulations of the Administrator.

(b) Notwithstanding the provisions of section 700, a claimant shall also be disqualified from receiving an allowance for any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this subsection shall not apply if it is shown that—

(1) he is not participating in or directly interested in the labor dispute which causes the stoppage of work; and

(2) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute: *Provided, however*, That if in any case separate branches interested in the labor dispute which causes the stoppage of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

(c) (1) If a claimant is disqualified under the provisions of subsection (a) of this section, he shall be disqualified to receive any readjustment allowance for the week in which the cause of his disqualification occurred and for not more than 4 immediately following weeks.

(2) In addition to the disqualification prescribed in paragraph (1) above, the Administrator may, in cases of successive disqualifications under the provisions of subsection (a) of this section, extend the period of disqualification for such additional period as the Administrator may prescribe, but not to

exceed 8 additional weeks in the case of any one disqualification.

(d) (1) In determining under subsection (a) of this section the suitability of work or the existence of good cause with respect to a claimant, there shall be considered, among other factors, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior or probable earnings in his customary occupation or one for which he has been trained, the length of his unemployment, his prospects for obtaining work in the customary occupation or one for which he has been trained, the distance of available work from his residence and prospects for obtaining local work. No work shall be deemed unsuitable for an individual solely because the wages are less than his readjustment allowance.

(2) In determining under subsection (a) of this section the suitability of work, no work shall be deemed suitable for an individual if—

(A) the position offered is vacant due directly to a strike, lock-out, or other labor dispute; or

(B) the wages, hours, or other conditions of the work offered are substantially less favorable to him than those prevailing for similar work in the locality.

CHAPTER IX—AMOUNT OF ALLOWANCE AND PAYMENT

Sec. 900. (a) The allowance for a week shall be—

(1) \$15, plus

(2) (A) \$5 if the claimant has one dependent, or

(B) \$8 if he has two dependents, or

(C) \$10 if he has three or more dependents,

less that part of the wages payable to him for such week which is in excess of \$3: *Provided*, That where the allowance is not a multiple of \$1, it shall be computed to the next highest multiple of \$1.

(b) The number of weeks of allowances to which each eligible veteran shall be entitled shall be determined as follows: For each calendar month or fraction thereof of active service, the veteran shall be entitled to 8 weeks of allowances, but in no event to exceed the maximum provided in section 700.

(c) (1) As used in this section the term "dependent" includes only—

(A) the lawful wife of a claimant living with him or receiving regular support from him, or the lawful husband of a claimant if dependent upon his wife for support, who, in the week for which an allowance is claimed, has not received \$5 or more either as wages, as an allowance under this title, or under any Federal or State unemployment or disability compensation law; or

(B) an unmarried child either (1) under 18 years of age, or (2) of any age, if incapable of self-support by reason of mental or physical defect.

(2) As used in this section the term "child" shall include only—

(A) a legitimate child;

(B) a child legally adopted;

(C) a stepchild, if a member of the claimant's household; or

(D) a child to whom the claimant stands in loco parentis and has so stood for not less than 12 months prior to the date of this claim on behalf of such child.

(d) The Administrator may find an individual to be a dependent of the claimant if the claimant has certified the facts required by the provisions of this subsection.

(e) Where a child is a dependent of more than one claimant, allowance for the child shall be made only on behalf of one claimant, as determined by the Administrator.

(f) Where a claimant seeks an allowance for a dependent who is separated from him under court order or written agreement, the allowance for the dependent shall not exceed

the amount fixed in the court order or in the written agreement. If such amount is not fixed at a weekly rate, the portion payable for each week shall be determined in accordance with regulations of the Administrator.

SEC. 901. (a) Readjustment allowances shall be paid at reasonable intervals prescribed by the Administrator.

(b) Any allowances remaining unpaid upon the death of a claimant shall not be considered a part of the assets of the estate of the claimant, or liable for the payment of his debts, or subject to any administration of his estate, and the Administrator may make payment thereof to such person or persons he finds most equitably entitled thereto.

CHAPTER X—ADJUSTMENT OF DUPLICATE BENEFITS

SEC. 1000. Where an allowance is payable to a claimant for a week under this title and where, for the same week, either an allowance or benefit is received under any Federal or State unemployment or disability compensation law, or a Federal or State noncontributory benefit is received, the amount received or accrued from such other source shall be subtracted from the allowance payable under this title (except that this section shall not apply to pension, compensation, or retired pay paid by the Veterans' Administration); and the resulting allowances, if not a multiple of \$1, shall be readjusted to the next higher multiple of \$1.

CHAPTER XI—ADMINISTRATION

SEC. 1100. (a) The Administrator of Veterans' Affairs is authorized to administer this title and shall, insofar as possible, utilize existing facilities and services of Federal and State departments or agencies on the basis of mutual agreements with such departments or agencies. Such agreements shall provide for the filing of claims for readjustment allowances with the Administrator through established public employment offices and State unemployment compensation agencies. Such agencies, through agreement, shall also be utilized in the processing, adjustment, and determination of such claims and the payment of such allowances. To facilitate the carrying out of agreements with State departments or agencies and to assist in the discharge of the Administrator's duties under this title, a representative of the Administrator shall be located in each participating State department or agency.

(b) The Administrator shall prescribe such rules and regulations and require such records and reports as he may find necessary to carry out the purposes of this title: *Provided, however,* That prior to the adoption of any rules and regulations relating to the performances of Federal or State departments or agencies with which agreements have been made, the Administrator shall consult and advise with representatives of such departments or agencies as to the provisions of such rules and regulations.

(c) The Administrator may delegate to any officer or employee of his own or of any other department or agency of the Federal Government or of any State such of his powers and duties, except that of prescribing rules and regulations as the Administrator may consider necessary to carry out the purposes of this title. The Administrator may require any such officer or employee to give a surety bond to the United States in such amount as the Administrator may deem necessary and the cost of such bond shall be paid out of sums appropriated for the administration of this title.

(d) Allowances shall be paid upon certification by the Administrator. The Secretary of the Treasury, through the Division of Disbursement of the Treasury, and prior to audit and settlement by the General Accounting Office, shall pay, at the time or times fixed by the Administrator, to the departments, agencies, or individuals designated, the amounts so certified.

(e) The Administrator shall from time to time certify to the Secretary of the Treasury for payment in advance or otherwise such sums as he estimates to be necessary to compensate any Federal department or agency for its administrative expenses under this title. Such sums shall cover periods of no longer than 6 months.

The Administrator shall also from time to time certify to the Social Security Board such State departments or agencies as may be participating in the administration of this title. Upon such certification the Social Security Board shall, in addition to the amounts certified under the provisions of section 302 (a) of the Social Security Act, as amended, certify to the Secretary of the Treasury for payment to each State such amounts as the Board determines to be necessary for the administrative expense of such State under this title.

(f) Any money paid to any cooperating agency, person, or institution which is not used for the purpose for which it was paid shall, upon termination of the agreement with such agency, person, or institution, be returned to the Treasury and credited to the current appropriation for carrying out the purpose of this title, or, if returned after the expiration of this title, shall be covered into the Treasury as miscellaneous receipts.

SEC. 1101. (a) No person designated by the Administrator as a certifying officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this title.

(b) No disbursing officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to any payment by him under this title if it was based upon a voucher signed by a certifying officer designated by the Administrator.

SEC. 1102. Any claimant whose claim for an allowance has been denied shall be entitled to a fair hearing before an impartial tribunal of the State agency or such other agency as may be designated by the Administrator. The representative of the Administrator shall be the final authority in regard to contested claims, subject to appeal to the Administrator.

CHAPTER XII—DECISIONS AND PROCEDURES

SEC. 1200. The authority to issue subpoenas and provisions for invoking aid of the courts of the United States in case of disobedience thereto, to make investigations, and to administer oaths, as contained in title III of the act of June 29, 1936 (49 Stat 2033-34; U. S. C., title 38, secs. 131-133), shall be applicable in the administration of this title.

CHAPTER XIII—REQUIREMENT OF REPORTING

SEC. 1300. Any claimant shall report the occurrence of any event which makes him ineligible for or reduces his allowance. Any claimant who fails to report any such event of which he has knowledge and who accepts an allowance to which he is not entitled because of such event shall be ineligible to receive any allowance for 4 weeks of unemployment thereafter.

CHAPTER XIV—PENALTIES

SEC. 1400. (a) Whoever, for the purpose of causing an increase in any allowance authorized under this title, or for the purpose of causing any allowance to be paid where none is authorized under this title, shall make or cause to be made any false statement or representation as to any wages paid or received, or whoever makes or causes to be made any false statement of a material fact in any claim for any allowance under this title, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

(b) Whoever shall obtain or receive any money, check, or allowance under this title, without being entitled thereto and with intent to defraud the United States, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

CHAPTER XV—DEFINITIONS

SEC. 1500. As used in this title—

(a) The term "week" means such period or periods of 7 consecutive calendar days as may be prescribed in regulations by the Administrator.

(b) The term "United States" used geographically means the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

(c) The term "State" includes the District of Columbia, Alaska, Hawaii, and Puerto Rico.

(d) The term "wages" means all remuneration for services from whatever sources, including commissions and bonuses and the cash value of all remuneration in any medium other than cash.

(e) The term "noncontributory benefit" means a cash benefit, allowance, annuity, or compensation (including payments under any workmen's compensation law) payable by reason of the past employment or services of any individual, under any law or plan of the United States, any State, Territory, or possession, or the District of Columbia, or any political subdivision or instrumentality of any of the foregoing, creating a system of such payments to individuals (including payments made under any such law or plan by private insurance carriers), if with respect to such individual the benefit system is supported without direct and substantial contributions by wage earners.

TITLE VI

CHAPTER XVI—GENERAL ADMINISTRATIVE AND PENAL PROVISIONS

SEC. 1600. Except as otherwise provided in this act, the administrative, definitive, and penal provisions under Public, No. 2, Seventy-third Congress, shall be for application under this act.

SEC. 1601. The appropriations for the Veterans' Administration are hereby made available for expenditures necessary to carry out the provisions of this act and there is hereby authorized to be appropriated such additional amounts as may be necessary to accomplish the purposes of this act.

SEC. 1602. Wherever used in this act, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine, and the term "Administrator" means the Administrator of Veterans' Affairs.

SEC. 1603. A discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits provided by this act or Public, No. 2, Seventy-third Congress, as amended.

Mr. McFARLAND subsequently said: Mr. President, I had intended to make a few remarks in regard to the bill just passed. I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, where so many Senators have endorsed a bill, I do not deem an extended statement appropriate, but I wish to congratulate the distinguished Senator from Missouri [Mr. CLARK] for the splendid work he has done upon this G. I. bill of rights. As chairman of the subcommittee which handled this legislation, he has coordinated the views of various interests and has presented a workable bill. The ex-servicemen have no better friend in this Congress than the Senator from Missouri, who has for many years championed their cause.

I was accorded the privilege of attending all the hearings upon this legislation, including the executive sessions, for which I am very grateful, and I wish to commend the members of the subcommittee and of the whole Finance Committee for the careful study which they have given this legislation.

We all know that after the last war many ex-servicemen wandered over the United States without jobs or means of livelihood. Altogether too many boys found their way into penitentiaries because of their inability to adjust themselves to changed conditions. Many of these boys could have been rehabilitated by the proper assistance, and would have become just as good citizens as they had been soldiers. Had the money eventually paid these men been used for rehabilitation at the proper time, it is my opinion that the misery of many could have been avoided. I personally came in contact with many such cases as county attorney of my country, as assistant attorney general of my State, and as superior court judge.

With the purpose in mind of avoiding the mistakes of the past, the able junior Senator from South Carolina [Mr. MAYBANK] and I, after giving careful consideration to this problem, introduced a bill (S. 1495) which provides adjusted pay for veterans of this war in the form of bonds, with provision for its immediate use for rehabilitation.

I personally felt that our bill was fair, but after attending the hearings of the committee, I observed that many members of the committee felt that the adjusted-pay question should be postponed until after the war. I recognize that the rehabilitation problem is the most important one confronting us at this time, and that it constituted the most important parts of our original bill. I, therefore, in conjunction with the American Legion, worked out an amendment to broaden and enlarge the provisions of S. 1617, both as to the educational benefits and as to loans for rehabilitation. After many conferences, the American Legion and the Veterans of Foreign Wars approved the amendments which my colleague from South Carolina [Mr. MAYBANK] and I offered, with a few changes, and our amendments are now incorporated in the G. I. bill of rights.

There are two particularly important and, I think, commendable provisions in the educational features of this bill. First, it gives an equal right to each veteran to receive the educational benefits. It is most important that not only those whose education was interrupted be given this privilege but it is equally important that the boy whose means of livelihood was interrupted by the war and who, because of changed conditions would not be able to come back home and pick up just where he left off, be given an opportunity to prepare himself to meet the changed conditions, and as he is as much entitled to these benefits as the boy who was attending school at the time he entered the service. There will probably be many returning veterans who, for instance, have never had an opportunity to receive an education, but who have been trained in the service in the mechanics of an airplane. These men, with vocational training, can become expert mechanics. Then there is the other boy who may have finished high school and who was, at the time of entering the service, trying to earn sufficient money to complete his education. In a strict sense, he might not be classified as having had his education interrupted. There is also the professional man who, after several years in the service, will need to take a refresher course.

Second, it is important that the veteran be given the privilege of choosing his own school. This is in accordance with the American system, which has prevailed during all of these years and which has been found to be the best in the world. No man should be compelled to attend a school which is not his own choice.

The loans to veterans, not to exceed \$1,000, for the purchase of or down payment upon farm implements and machinery, a home or small business, are very important for the rehabilitation of our boys on returning from the service.

I was especially proud to help work out these loan provisions and recommend them to the committee. Many of our boys have married while in service and will return to civilian life needing homes in which to live. This loan will serve a double purpose. It will give to these boys the home they need, and the building of it will help in post-war unemployment.

The provision in regard to buying farm implements and for the payment upon a farm is likewise important. I have talked with boys who were farming before they entered the service and who had to sell the equipment which they owned. Many of them will return without funds with which to purchase any new equipment, and will need help from their Government. Certainly they are entitled to this assistance.

The loan for business purposes is likewise very important. Many will return needing this assistance to adjust themselves in their chosen profession or business. Lawyers will find their law libraries out of date and will need to purchase new lawbooks. Dentists will have to buy dental equipment. Different examples could be multiplied indefinitely and each individual will have his own peculiar problem.

While I consider all phases of the G. I. bill of rights highly important, the education and loan features are absolutely necessary for the rehabilitation of our returning veterans.

I know that each Senator whose name appears on this bill is equally interested in the rehabilitation of our fighting men upon their return. We cannot afford to have our boys wandering over the country as they did after the last war. We must meet this problem now and prevent a recurrence of that unfortunate situation. The stark tragedy of the Anacostia Flats must not be reenacted. We must and are facing this problem today in this G. I. bill of rights.

AUTHORIZATION FOR APPROPRIATIONS COMMITTEE TO FILE REPORT

Mr. McKELLAR. Mr. President, I ask unanimous consent that during the recess, which I understand is to be taken until Tuesday, the Appropriations Committee may be authorized to file a report on the first deficiency appropriation bill.

The VICE PRESIDENT. Without objection, it is so ordered.

FIRST DEFICIENCY APPROPRIATION BILL—AUTHORIZATION TO FILE NOTICES IN WRITING TO SUSPEND THE RULE

Mr. McKELLAR. Mr. President, I ask unanimous consent for authorization to submit notices in writing of motions to suspend the rule with respect to several amendments to be reported by the committee to the first deficiency appropriation bill.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR SIGNING OF BILLS AND RESOLUTIONS, AND TO RECEIVE MESSAGES

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the recess of the Senate the Presiding Officer may be authorized to sign bills and resolutions ready for his signature, and that the Secretary of the Senate be authorized to receive messages from the House of Representatives,

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I desire to call attention for just a moment to an observation I made earlier in the day. I stated that the Speaker and other Members of the House of Representatives had brought to my attention the desire to take a recess over the Easter holidays, beginning next Thursday, until the 12th of April—practically 2 weeks. The 12th of April comes on Wednesday of the week after Easter Sunday. It had occurred to me that if we were to take a recess, we might as well take a recess until the following Monday. But the plans of the House of Representatives are to take up the naval appropriations bill on the 12th. Therefore, I think I can say with some degree of certainty that probably on next Wednesday a concurrent resolution will be introduced providing for a recess beginning on Thursday, the 30th day of this month, and ending on the 12th of April.

The fact that the Members of the House of Representatives must be back on April 12 in order to take care of a naval appropriation bill does not necessarily mean that the Senate will transact any business during that week. So, although we may take a recess officially only until the 12th of April, I think I can say to the Senate that no business of any importance will be transacted during the remainder of that week, so that in effect the Senate will be in recess until the 17th of April, which is on Monday following Easter Week.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. Is it the Senator's purpose to have the Senate adjourn until Tuesday?

Mr. BARKLEY. My purpose is to have the Senate take a recess until Tuesday.

Mr. WHITE. Can the Senator state what will be before the Senate on Tuesday?

Mr. BARKLEY. So far as I know, there will be nothing of any importance.

Mr. McKELLAR. Yes, Mr. President, there will be the deficiency appropriation bill.

Mr. BARKLEY. Oh, yes; I beg the Senator's pardon. The deficiency appropriation bill, if reported, as I understand will be, will be before the Senate.

FLOOD CONTROL

Mr. CLARK of Missouri. Mr. President, this morning I introduced a comprehensive bill on the subject of flood control, a subject in which I am very deeply interested. The measure I introduced will, I believe, be the most comprehensive bill on this subject which has ever been introduced. It was my desire to address the Senate on that subject, and I had prepared a résumé on it. I had intended to deliver today, a speech incorporating the résumé. As a matter of fact, I have already released it to the newspapers. However, in view of the pressure in the Senate today in connection with consideration of the appropriation bill, I refrained from imposing the speech on the Senate. Rather than to impose the speech on the Senate at this

late hour, I now ask unanimous consent that it may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. President, I have today introduced what I believe to be a comprehensive measure for meeting the tremendous problem of flood control in the United States. In the preparation of this measure I have had the benefit of the advice and assistance of the Corps of Engineers of the United States Army, of the Secretary of Agriculture, and of many State agencies, private associations, and individuals deeply interested in this problem. None of them, however, is responsible for the net result of these conferences and labors because for the final form of the bill and the ultimate combination of the many suggestions which I have received, I, alone, accept the responsibility.

This bill provides that Federal investigations and improvements of levees and other waterways for flood control and other allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers and that Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention shall be under the supervision of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture except as otherwise provided for by act of Congress. In other words, the bill proposes to fix upon the Corps of Engineers the responsibility for handling the water after it gets into the streams and to give them sufficient authority to completely carry into effect the purpose of such a comprehensive plan.

In addition, in title III the bill gives to the Chief of Engineers authority to control the flow of water from all the dams in the area, private as well as public. Undoubtedly a major part of the responsibility for the first of the disastrous floods in the lower Missouri Valley and middle Mississippi Valley in 1943 was caused by the handling of water flow by certain privately owned dams in the area. By the very nature of the case, reservoirs and dams whether privately owned or publicly owned are affected by public interests and as a police measure of safety for the whole area, this use should be under the control of competent Federal authority which I believe to be the Chief of Engineers.

Mr. President, the season is again approaching in which we may expect with dread and with certainty recurrence in various portions of the United States the enormous and calamitous losses caused by disastrous floods. The appalling disaster of the destruction by floods of many lives and of hundreds of millions of dollars of our national wealth in the Missouri, Illinois, Arkansas, and Mississippi Valleys in 1943, then once again fixed for a brief time, the attention of the Nation upon the vital necessity for comprehensive and adequate measures for the permanent control of this great menace to our national life.

In a speech which I delivered over the Nation-wide net work of the National Broadcasting Co. on February 8, 1937, I said:

"The pity is that such disasters are always necessary in order to arouse national interest in what should be a subject of continuing preeminent national concern until it is successfully, completely, and permanently dealt with in all of its ramifications of reforestation, forest preservation, and soil-erosion prevention as well as the ultimate engineering accomplishment of flood control through reservoirs on the headwaters and adequate levees on the lower reaches of the stream."

The shocking catastrophe of recurrent floods in the Missouri, Illinois and Arkansas, Mississippi Valleys in 1943 made

these words even more true and the situation more stringently urgent than they were when they were uttered in 1937.

To be sure, millions of dollars have been expended by the Federal Government on the problem of flood control, but until the most recent years these expenditures were confined to the main stem of the Mississippi, to one lake in Florida, and to the Sacramento River in California, except such works as were incidental to other purposes, such as navigation or power; there they sometimes do more harm than good so far as flood control and prevention are concerned. The great bulk of the vast expenditures which have been made for flood control have been by the States or by local subdivisions of the State such as counties, cities, townships, or levy districts. By reason of the essentially interstate and national character of the flood problem, such improvements have necessarily been piecemeal and incomplete in character, uncoordinated and completely lacking continuity. Moreover, the fact that when such local improvements are destroyed or impaired by flood, the local community which constructed them originally is likely to be so prostrated and impoverished by the disaster itself as to lack the means to repair the damage. The element makes such a system uncertain and ineffective, as has been many times demonstrated.

Not for many years, in fact, not until the terrific floods of 1927, with loss of hundreds of millions of dollars, was the principle that flood control on the main stem of the Mississippi is a national problem and a national responsibility established and then only after a terrific fight and over a most virulent opposition. And still it was denied that floods on the tributary streams of the Mississippi or upon any other great streams in the country such as the Columbia, the Connecticut, the Merrimack, and the Susquehanna, and many others afford a national problem. All efforts to have the subject dealt with in a comprehensive way were berated, ridiculed, abused, and thwarted. Shouts of "pork barrel" went up in the House and Senate and in the press and in magazines at any attempt to secure action to meet the situation. Only in very recent years have we secured national legislative recognition of the national responsibility for flood prevention on the tributaries as well as upon the main stem of the Mississippi. I am proud of the fact that during my service in the Senate as a member of the Commerce Committee I have been able to have an active part in the preparation and enactment of this salutary legislation.

Emergency appropriations following the 1943 floods merely serves to emphasize the vital necessity for a comprehensive, over-all plan for the prevention of floods and for the utilization of available water supply in the Mississippi Basin as a whole, including all of its tributaries, no matter how small and insignificant. Piecemeal efforts, which, while helpful to some degree, have in the analysis proved unavailing, should be abandoned as a permanent program and should be integrated into one system treating the whole Mississippi Valley as a comprehensive whole and the plan should then be enlarged to treat in the same way the other great basins of the United States. The so-called pork-barrel appropriation for local projects should be abandoned and integrated in such a comprehensive scheme, although of course those local projects must necessarily form the framework of the greater whole. Such a plan must of necessity not only include levees upon the lower reaches of the streams where they are and will always be necessary, but should also include sound provisions for dams and reservoirs upon the headwaters of the various tributaries to impound these floodwaters and control their flow in an orderly and beneficial manner. Fully as important, perhaps more important, in such a

plan must be adequate and complete over-all provision for the retention, so far as possible, upon the land on farms and in the forested areas composing the watersheds of even the smallest tributaries. Water should not only be controlled after it gets into the rivers and their tributaries but to as great an extent as possible retained on the land where it fell.

To accomplish these purposes a comprehensive plan should be enacted by the Congress. Definite authorization for carrying it out should be made at the earliest possible time and authority and responsibility should be definitely fixed for carrying it into being. One of the great difficulties heretofore has been that too many governmental agencies have been mixed up in making recommendations and doing piecemeal work without any of them having definite over-all responsibility and authority.

It seems to me as I said a moment ago that the time has now arrived for such legislation.

The proposed bill provides for treating the whole Mississippi Basin as a unit. Not because, of course, that the Mississippi Basin has any greater rights to protection than other great basins in the country, but I propose this because the Mississippi Basin affects a much greater area than any other in this country and its area constitutes the greatest granary in the world; also because the Corps of Engineers have for many years been assembling data for dealing with this problem which I understand to be now practically complete. It is, of course, contemplated that the other great basins of the country will ultimately be included in this great work for the conservation of the Nation's resources.

I understand that the data on some other basins is also practically complete and of course, these basins should be added progressively to the national scheme.

This bill includes the first comprehensive over-all plan for the development of the great Missouri Valley as a whole. This is based upon the so-called Pick report prepared by Colonel Pick, one of the greatest of Army engineers who was lately division engineer for the Missouri Valley. In my judgment the monumental Pick report, if carried into effect will be calculated to be one of the most beneficial projects for the whole Missouri Valley that has ever been enjoyed by any great section and will pay for itself over and over as time goes on and will add tremendously to the production and resources of the Nation. It should also be noted that the bill sets up a Missouri River commission for the handling of the problems of flood control, and navigation on the Missouri River, modeled exactly upon the Mississippi Commission whose services have been of such inestimable value to the Basin of the Mississippi River from St. Louis to the mouth.

No matter what vast sums may be spent for structural works upon the main streams and tributaries of the rivers, and with what engineering skill the works may be constructed, these measures will prove ineffective in the long run unless adequate measures are taken for the retention for as much as possible of the water on the land before it even gets into the stream at all.

This brings me to title II of a bill which I have introduced today.

The whole flood situation should be a partnership between the people on the headwaters of the tributaries from whose land the waters must come to a large extent, and the people lower down whose lands are being constantly flooded. This partnership should be and can be mutually advantageous to both and of estimable advantage to the public welfare. Therefore the responsibility for an over-all plan for retaining as much as possible of the water on the land should be vested in the Secretary of Agriculture. The denuding of our forests, the putting of vast acres of land in cultivation, the absence of

vegetation, and certain wasteful practices of farming which have been in effect in many portions of the country have all contributed vastly to the flood situation as it exists in the country at the present time. Reforestation, erosion control, conservation farming practices, all will contribute immeasurably to the prevention of floods. Such practices would serve a twofold purpose, each of very great benefit to the national resources of the country. Not only would they tremendously diminish the rapidity and volume of floods in the lower reaches of the streams but by retaining the water upon the land which it falls, it would enormously increase the fertility and productiveness of the land where it is retained. Billions of tons of the best topsoil in the Missouri-Mississippi Valley have been carried off into the Gulf of Mexico.

This erosion with consequent loss of fertility and consequent increase of flood hazard can to a very material extent be prevented by sound conservation practices in farming and by farsighted reforestation of lands not now suited to agricultural cultivation. This is not a theory. It has been demonstrated on a widespread scale by thousands of experiences and projects already conducted by the Department of Agriculture. The data of these instances establishes the wisdom of such policy beyond the peradventure of a doubt, as the Department itself has said in a bulletin, "By slowing down the run-off of rain water in order to curb erosion the farmer automatically reduces the volume and velocity of water which might otherwise contribute to floods. The soil which is held on the land by erosion-control methods is thereby kept out of the streams where it would reduce the water-carrying capacity of the channels. Thus when a farmer applies erosion-control measures to his land he is actually contributing to flood control. When a considerable proportion of farmers of a watershed adopt effective soil- and water-conservation measures on their lands the effect will be beneficial not only from the standpoint of erosion control but in reducing the flood hazard downstream. The extent of those latter benefits will depend not only upon the physical character of the particular watershed in question but also on other factors such as the amount and intensity of rainfall and the character of the stream involved."

The Department further points out that such practices are simply adaptation of national conservation and flood-control methods to the conditions of advanced cultivation. The principle of all of them is simply to make rain and water walk or creep instead of run, to store a far greater portion of it in the soil and do this by making the soil and its crops provide impediments to run-off by supplying millions of natural little dams by the simple device of plowing and cultivating around the hills. For example, each harrow and each harrow scratch forms a small dam or terrace. On steeper slopes somewhat more elaborate methods may be needed such as forestation, terracing, strip cropping, etc. Other segments of the national land-use program may be made to contribute to flood control.

Eroded submarginal farm-basin land that is contributing to floods may be retired from cultivation and disused forested lands may be acquired for flood control and the public purposes.

This erosion-control effort upon the part of the Department of Agriculture is not new. Its utilization in the flood-control program would not require a new program in the Department of Agriculture in the sense that new types of activities must be undertaken. As a matter of fact, the desirability as an aid to flood control was recognized in the Omnibus Flood Control Act of 1936 but the complete integration of the program for the retention of water on the land with a structural-engineering effort for flood control, has

never been accomplished. It seems to be that in any comprehensive effort for real flood prevention these two great efforts must be provided for and completely integrated.

Of course, nothing in this plan contemplates any compulsion toward the farmers as to their methods of cultivation but does contemplate the utmost efforts of the Government in the line of encouragement, education, and assistance for a voluntary program.

The provision for soil conservation under title II of this act embodies not only an essential and fundamental means of flood control but also the means for increasing the productive power of farm land and thereby improving and stabilizing the economic position of agriculture. Both results would be vitally important to this Nation.

The relation of soil conservation to the control of floods is profoundly simple. A child can understand it and many children do. The steps are as plain and as logical as the A B C's and their sequence. Water must run downhill and gather in great volume in creeks and rivers before it can produce a flood. If you hold more of the water on the uplands, you reduce the volume which flows into the streams, and thereby you reduce the peaks of floods, or maybe you prevent some of the floods altogether. And when water from rain and snow is held on the uplands the surface soil also stays in place instead of being washed off into the creeks and rivers eventually to clog the channels and lodge in the flood-control structures downstream and impair their efficiency.

The measures of conserving and improving the soil provided under this title are among the best practices of good farming. Their efficiency in checking soil losses and reducing water run-off has been repeatedly provided by the United States Department of Agriculture and the agricultural experiment stations of the various States. In my own State, for example, similar measures in actual farm practice have held soil losses to a negligible minimum and have cut down water run-off by nearly 50 percent under normal rainfall on a highly erodible soil type.

Floods are rapidly increasing in frequency, size, violence, and damage. Unchecked floods could in time roll up a cost approaching that of war itself. Floods therefore must be stopped. They are costing too much, in money and in moral and social effects. They can no longer be afforded.

But costly as may be the losses from floods, they still do not equal the losses from soil erosion. It is estimated by Mr. Hugh Bennett, Soil Conservation Service, that the average annual cost of soil erosion to the whole country is four times greater than the average annual national damage from floods.

It is believed by the best technical authority, and it is the consensus of public judgment, that there is no one way of controlling floods. More than one means of control must be adopted. Let us therefore begin by reducing the run-off from the uplands through the sound and profitable practices of soil conservation, and supplement this by a wisely planned system of channels, levees, dams, and other structures downstream. Then we shall be going at the job with both hands.

I do not know what the final cost of such a comprehensive over-all attack on the flood problem will be, though I doubt it will equal the total sum already spent for flood control without satisfactory results. I believe it will be less than the national property damage from floods in the last 20 years.

But whatever the cost, I know it will be justified, for on the basis of soil improvements alone it will in our time be a highly profitable investment, without counting the saving which will result from diminished damage by floods themselves.

Soil conservation is not merely something good for the farmers. It is something good for everybody. There is scarcely an inland city in the United States whose business does not depend more or less upon the welfare of the land around them. The city in the long run will rise or fall as the fertility of the farms flourishes or decays. Broadly, then, it may be said that when you increase the productive power of farm land you rejuvenate and strengthen the principal natural force by which America lives and prospers. Every man, woman, and child, and all generations of the future have a vital interest—a necessary economic equity—in this question.

It is not to be overlooked that upon the conclusion of the war vast quantities of machinery will be released by our armed forces—bulldozers, tractors, trucks, dredges, and every other form of machinery necessary in public works will be available in the hands of the Government. It would be far better in the national interest that this machinery should be put to useful employment in the retention of water on the soil and in the construction of reservoirs, catch basins, and levees than that it should be given away or sold at sales for a nominal return.

This is not to intimate that I believe that the program for flood prevention should remain entirely as a post-war program. On the contrary I believe that the maintenance of maximum production on agricultural lands is a major war necessity and I believe that this work should be started as soon as possible and as much progress made as can be achieved within the limitations of our manpower and material situation. It does, however, hold forth almost unlimited possibility for usefulness in the public-works program which must inevitably follow the war.

I believe that there is no character of a public-works program which holds forth such certainty as a sound investment as a complete and definite plan for the control of the flood menace, first, by keeping the water on the land, and, second, by regulating its flow when it gets into the streams. It is my hope that Congress may see fit to enter upon the consideration of this vitally important question.

Through the years the Government has expended millions upon millions of public funds in the alleviation of suffering and the relief of those rendered homeless and destitute by the various flood catastrophes. And this is entirely proper and necessary. Very few Members of the House or Senate of the United States have opposed appropriation to meet these vital expenditures for purposes of mercy. But this necessity for such relief and the unanimity for sentiment with which it has been, and is being, extended should not becloud the essential fact that in the most accurate and most tragic sense we are, and have been, merely locking the stable after the horse has been stolen. We are pouring out from year to year, to soften the harder and more immediate effects of recurring disaster, money which if intelligently expended in years gone by for the support of sound measures for flood control would have gone far to prevent the occurrence of those very disasters. Such a policy can only be considered as an example of stupendous national folly.

A truly comprehensive national program for flood prevention and control involving reservoirs and catch basins on the headwaters of the tributaries, levees on the lower reaches of the streams, and progressive plans for retaining water on the soil where it falls and preventing its rapid run-off into the tributaries by reforestation, terracing, and conservation farming methods, as I have said, will involve the expenditure of a great deal of money. Its initial cost will amount to hundreds of millions of dollars, but the cost will be small in comparison with the billions

of dollars of damage which have been sustained through the years by the action of uncontrolled and preventable floods. It has been estimated by competent authority that the loss from the one disastrous flood in the Ohio Valley and other flooded areas in 1937, direct and indirect, was certainly not less than a billion dollars. The loss of life from privation and pestilence which inevitably follows floods will probably never be correctly estimated. Certain it is that an ounce of prevention is worth a pound of cure has never been truer than in this instance.

Such a comprehensive plan will not only pay for itself dollar for dollar in a very short time, but during the years it will pay for itself over and over again by the preservation of fertility and the restoration of permanent productivity to lands, both in the bottoms and in the uplands.

It seems to me that there has never been a time in all our history more suitable for the inauguration of over-all plans for the prevention of the stupendous waste from floods than is the present. Unquestionably, when this war is over a tremendous public works program will be necessary and inevitable in connection with the demobilization of our armed forces. A tremendous number of men and women will be discharged from the armed forces for whom temporary employment must be found until they can again be reintegrated in our civilian life in an ordinary manner. It is my hope that this great reservoir of manpower may be employed upon a public works program which will consist of works which will be a sound permanent investment, which will pay for themselves over and over rather than in spotted sporadic boondoggling projects merely to supply temporary employment without permanent benefit.

ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF GREEK REVOLUTION FOR INDEPENDENCE.

Mr. HILL. Mr. President, tomorrow will be the one hundred and twenty-fifth anniversary of the Greek revolution for independence. This year, as during the 2 preceding years, the anniversary finds Greece depleted and exhausted after almost 3 years of Nazi tyranny and exploitation.

The people of Greece have suffered much and they will suffer more before the day of liberation. However, the Greek people have not lost hope. They have fought many times for their freedom, and they continue to fight even now, as the German soldiers trample their beloved country.

All friends of Greece remember "the golden age of Pericles" with its array of achievements in every field of endeavor. It was in ancient Greece that democracy was first born. All are familiar with the valiant stand of the Greeks at Thermopylae, their struggle against the Persians, and how they saved Europe from invasion by the barbarians from the East.

In her long history Greece suffered vicissitudes as violent as those any other country has known. For long periods she has been eclipsed; she has vanished, almost, from the European nations; but whenever she has emerged she has been found holding fast to the same idea of liberty, and the noblest moments of her story have been those in which she fought not to lose it.

Greece was the first of the subject countries of Europe to rise against the Turks. The struggle began in 1821, when the Archbishop of Patras gave the sig-

nal to a crowd of people massed in the monastery of Agia Lavra. The struggle for independence lasted 10 long years. It was carried on by intellectual leaders from Constantinople, by sailors from the island trading communities of Hydra, Spetsai, Psara, and the Dodecanese, by Greek fighters from the mountains who never had submitted to the Turks. The people of Greece fought for their freedom.

Even women joined in the fight. They stood beside their men, and shared their dangers and hardships without complaint. They died with their men.

Slowly moral support from the outside world was translated into practical support. The British, French, and Russians joined together to help free Greece from Turkish suzerainty. It was during this period that Lord Byron gave his life for the freedom of Greece. America had a share in making Greek independence possible, through the efforts of Daniel Webster, President James Monroe, and other American leaders. Finally in 1830 the people of Greece gained their complete independence.

On October 28, 1940, Mussolini attacked Greece because Greece refused to play the part of an abject slave and yield to Italian demands for territorial bases. On November 23, less than a month later, the last remaining Italians on Greek soil were driven across the Albanian frontier.

For 6 months the ill-clad, poorly equipped Greek soldier, whose strongest armor was the undisputed righteousness of his cause, drove the invader out of Greece and deep into Albania, vanquished and humiliated him, exposed him as an inflated braggart, irretrievably shattered his prestige and the morale of his people, gave to the Allies their first victory in a long series of defeats, and to the occupied countries an encouraging token of future victories.

On April 6, 1941, Germany invaded both Greece and Yugoslavia. By overwhelming mechanical might, she conquered the two countries. But the Nazis have never been able to conquer the people.

Even now, the people of Greece continue their struggle to oust the invader. Starvation and exploitation by the Nazi overlords is reducing the population by thousands. The beautiful Greek historic and religious shrines are desecrated and spoiled wantonly.

Yet Greece fights on. Many officers and soldiers in the former Greek Army, many professional people, and clergymen, joined the underground organizations. A woman's organization was formed; and again the women of Greece stood beside their men in the resistance movement.

Mr. President, the underground movement grew so strong that it fought pitched battles against the Germans, and by 1943 it was able to set up a regular civil administration in its territory. The large cities, coast, and main routes remain under the control of the Germans, but the countryside and the villages are in the hands of the Greek underground.

In this country Americans of Greek origin are in the forefront in supporting

the United States war effort. This year Greek-Americans all over this Nation are buying an extra War bond to celebrate the one hundred and twenty-third anniversary of the Greek Revolution for Independence. This campaign, launched by the Daily National Herald, is an effort to do something more for the war effort and express the appreciation of Americans of Greek descent for all that America has done and is doing for Greece and the cause of freedom. May our country continue to be worthy of their efforts. Americans of Greek origin feel that the most effective way to secure the liberation of their native land is to buy an extra War bond in their adopted homeland, the great United States of America. These Greek-Americans know the need for unity in support of the Commander in Chief. This country can be proud of the Americans of Greek origin who sacrifice so willingly for the cause of victory.

Mr. President, I wish to express the fervent hope that the great democracy that was Greece will live again. I know it is the desire of all democratic freedom-loving Americans that the people of Greece should be free to choose their own form of government and have their national rights fulfilled, when the hated German oppressor is driven out of their land. We can and must play our part to vouchsafe this to the Greek people.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

SURG. GEN. THOMAS PARRAN, UNITED STATES PUBLIC HEALTH SERVICE

Mr. GEORGE. Mr. President, from the Committee on Finance I report favorably the nomination of Dr. Thomas Parran to be Surgeon General of the United States Public Health Service. He was today nominated for reappointment by the President. In view of the fact that it is very undesirable to have a hiatus in his office, and because his present term will shortly expire, I ask unanimous consent for the present consideration of the nomination. I have conferred with the leaders on both sides, and it is agreeable to them.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none. The nomination will be stated.

The legislative clerk read the nomination of Thomas Parran to be Surgeon General of the United States Public Health Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The Legislative Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc; and, without objection, the President will be notified forthwith.

That completes the calendar.

RECESS TO TUESDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 7 o'clock and 13 minutes p. m.) the Senate took a recess until Tuesday, March 28, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 24 (legislative day of February 7), 1944:

UNITED STATES PUBLIC HEALTH SERVICE

Thomas Parran, of New York, to be Surgeon General of the United States Public Health Service for a term of 4 years (reappointment).

DISTRICT OF COLUMBIA

PEOPLE'S COUNSEL, PUBLIC UTILITIES COMMISSION

James W. Lauderdale, of the District of Columbia, to be people's counsel. Public Utilities Commission, District of Columbia.

UNITED STATES ATTORNEY

Edward M. Curran, of the District of Columbia, to be United States attorney for the District of Columbia. (Mr. Curran is now serving in this office under an appointment which expires March 29, 1944.)

PROMOTIONS IN THE NAVY

Capt. Felix B. Stump, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1943.

Capt. Alfred M. Pride, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 5th day of July 1943.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24 (legislative day of February 7), 1944:

UNITED STATES PUBLIC HEALTH SERVICE

SURGEON GENERAL

Thomas Parran to be Surgeon General of the United States Public Health Service.

POSTMASTERS

WASHINGTON

Amelia K. Stalling, Grayland.
Robert L. Van Arsdaill, Lakeview.
Bertha M. Simmons, Milton.

WISCONSIN

Robert R. Taylor, Brokaw.
Edgar Leissring, Butler.
Edward B. Morse, Mount Hope.
Carol P. Buehler, Nekoosa.
Herman H. Eberhardt, Newton.
Barnice P. Lampman, Plover.
Celia Stapleton, Ridgeway.
Ben A. Bittner, St. Cloud.
Jossie Loescher, Salem.
John A. Heinzen, Whitelaw.
Martin G. Tonn, Wilton.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 24, 1944

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, who art the life of mortal men, we would hear Thy word with the upward glance of faith: "The Lord God is a sun and a shield, the Lord will give grace and glory; no good thing will He withhold from them that walk uprightly"; we praise Thee that Thou art a shield to protect and a sun to provide. Across the years, Thou dost bring succor to the generations of troubled and tempted hearts and out of the empty heavens Thou dost light up the soul of earth.

O Saviour Divine, breathe upon us that spirit which sweetens the soul and gives power to its deepest elements in dealing with our fellow men. We beseech Thee to turn the thought of our land to Thy holy altar; ours is a sacred trust of human life and the gleaming jewel in the crown of freedom; for the sake of the truth which abides in us, let us never be overmastered by indifference or neglect, nor become the target of material schedules. Dear Lord, there is no work so important or so high in the scale of human endeavor as to follow Him whose cross is a symbol of hope across the eastern sky of humanity; He came giving the cup of water, clothing the naked, and feeding the hungry. Blessed Master, inspired by Thy holy example, help us to be radiant in spirit, tireless in service, and joyous in seeking to do Thy will. In the name of Him who is destined to bring peace and harmony to this wandering world. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Louisiana [Mr. DOMENGEAUX] be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE LATE JARED YOUNG SANDERS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Speaker, it is a very sad task that I am called upon to perform this morning. On last evening in Baton Rouge, the State capital of Louisiana, one of the most colorful and picturesque figures in the political history of that State crossed the Great Divide. Former Gov. Jared Young Sanders, who has been on the political scene of Louisiana for some 50 years, died at the age of 75 after a long illness.

Mr. Sanders served in this House in the Sixty-fifth and Sixty-sixth Congresses. He lived to see the day that his son, J. Y. Sanders, Jr., served and represented the same district from Louisiana here with many of you Members. The devotion between that father and that son will always remain in my memory. J. Y. Sanders, Jr., was, indeed, a worthy son of a worthy sire.

J. Y. Sanders, Sr., was a native of Louisiana. He was born at Morgan City, St. Mary Parish, on January 29, 1869. He attended the public schools of the State of Louisiana and then entered Tulane University at New Orleans, where he was graduated in law in 1893. He was admitted to the bar the same year and commenced the practice of law in New Orleans. He entered the political arena of the State back in 1892 during the famous Louisiana lottery fight, when he was elected to the State house as a member of the Antilobby Party. He was then elected to the State constitutional convention in 1898 and elected speaker of the State house of representatives in 1900, where he served until 1904. He was then elected Lieutenant Governor of Louisiana in 1904 and served until 1908, when he was elevated to the governorship and served from 1908 to 1912. On July 6, 1910, he was elected to the United States Senate to fill the vacancy caused by the death of Senator Samuel D. McEnery, of Louisiana.

I pause here to call your attention to this fact, which is most characteristic of the life of J. Y. Sanders. Elected to the United States Senate on July 6, 1910, given the occasion to realize the greatest ambition of his life, he declined to qualify for the office and remained as Governor of Louisiana for the sole reason that he believed he owed a debt of loyalty to his friends within the State of Louisiana. He declined to come to the Senate and passed up that opportunity of realizing his life's ambition because he placed loyalty above self.

He was elected then to the Sixty-fifth and Sixty-sixth Congresses of the United States and served in this House from March 4, 1917, until March 3, 1921.

He was again elected a member of the State constitutional convention in 1921. He then resumed the practice of his profession and later was twice a candidate for the United States Senate.

Mr. Speaker, it is also of interest to take cognizance of the fact that when J. Y. Sanders, Sr., was the Governor of Louisiana, the speaker of the House of